

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

FEB 24 2016

JULIA C. DUDNEY CLERK  
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UNITED STATES OF AMERICA

Case No. 4:03-cr-30067-1

v.

MEMORANDUM OPINION

DERRICK LAMONT GALLOWAY,  
Petitioner.

By: Hon. Jackson L. Kiser  
Senior United States District Judge

Derrick Lamont Galloway, a federal inmate proceeding pro se, filed a motion to vacate, set aside or correct sentence, pursuant to 28 U.S.C. § 2255. Court records indicate that petitioner filed a prior § 2255 motion about the same conviction and/or sentence (ECF no. 65) that I dismissed (ECF no. 85). Thus, petitioner's current § 2255 motion is a second or subsequent one under 28 U.S.C. § 2255(h). Cf. United States v. Hairston, 754 F.3d 258, 262 (4th Cir. 2014).

A district court may consider a second or successive § 2255 motion only upon specific certification from a court of appeals that the claims in the motion meet certain criteria. See 28 U.S.C. § 2255(h). As petitioner has not submitted any evidence of having obtained certification from the United States Court of Appeals for the Fourth Circuit to file a second or successive § 2255 motion, I dismiss petitioner's § 2255 motion without prejudice as successive. Based upon my finding that petitioner has not made the requisite substantial showing of denial of a constitutional right as required by 28 U.S.C. § 2253(c), a certificate of appealability is denied.

ENTER: This 24<sup>th</sup> day of February, 2016.

  
Senior United States District Judge