

UNPUBLISHED

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 22-7434

CHARLES CLAUDE RAMSEY,

Petitioner - Appellant,

v.

KIMBERLY H. RUNION, Director of the Virginia Center for Behavioral
Rehabilitation,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at
Norfolk. Rebecca Beach Smith, Senior District Judge. (2:11-cv-00396-RBS-FBS)

Submitted: March 16, 2023

Decided: March 21, 2023

Before WILKINSON, AGEE, and HARRIS, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

Charles Claude Ramsey, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charles Claude Ramsey seeks to appeal the district court's order denying his self-styled motion to strike, which he filed 10 years after the district court denied relief on his 28 U.S.C. § 2254 petition and closed the case. We construe Ramsey's underlying motion to strike as a second or successive § 2254 petition or, alternatively, a Fed. R. Civ. P. 60(b) motion for reconsideration of the denial of his initial § 2254 petition. Because Ramsey did not obtain prefiling authorization from this court to file such a motion, the district court lacked jurisdiction. *See* 28 U.S.C. § 2244(b)(3)(A); *United States v. McRae*, 793 F.3d 392, 397-400 (4th Cir. 2015). Accordingly, we deny a certificate of appealability as unnecessary, *see Harbison v. Bell*, 556 U.S. 180, 183 (2009), vacate the district court's order, and remand with instructions for the district court to dismiss the motion for lack of jurisdiction. We deny Ramsey's motion to strike filed in this court and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

VACATED AND REMANDED

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division

CHARLES CLAUDE RAMSEY,

Petitioner,

v.

CIVIL NO. 2:11cv396

KIMBERLY H. RUNION,
Director of the Virginia Center
For Behavioral Rehabilitation,

Respondent.

ORDER


This matter comes before the court on Petitioner's recent submission titled Motion to Strike ("Motion") filed on October 28, 2022. ECF No. 47. Said Motion refers to the Court's Order entered on October 19, 2022. ECF No. 46. In the Court's Order, the court reviewed Petitioner's submissions filed in July and August, 2022, and ordered them to be docketed, with no further action taken by this court. Again, no new matters of merit or substance have been raised in the current filing that have not been previously considered by the court and it remains unclear what relief Petitioner seeks and the basis of the court's jurisdiction to grant any relief at this juncture. Therefore, Petitioner's Motion is **DENIED**. This case has been concluded. No further submissions in

this matter will be accepted, except any notice of appeal of this court's ruling herein.¹

Petitioner may appeal from this Order by forwarding a written notice of appeal to the Clerk of the United States District Court, Norfolk Division, 600 Granby Street, Norfolk, Virginia 23510. Said written notice must be received by the Clerk within thirty (30) days from the date of entry of this Order. If Petitioner wishes to proceed *in forma pauperis* on appeal, the application to proceed *in forma pauperis* is to be submitted to the Clerk, United States Court of Appeals, Fourth Circuit, 1100 E. Main Street, Richmond, Virginia 23219.

The Clerk is **DIRECTED** to send a copy of this Order to Petitioner.

IT IS SO ORDERED.

/s/ 
Rebecca Beach Smith
Senior United States District Judge

REBECCA BEACH SMITH
SENIOR UNITED STATES DISTRICT JUDGE

November 30, 2022

¹ Any submission in the above closed case by Petitioner, other than a notice of appeal, shall not be filed, but will be docketed by the Clerk as a submission only, without any further order of the court.

FILED: April 25, 2023

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FOR THE FOURTH CIRCUIT

No. 22-7434
(2:11-cv-00396-RBS-FBS)

CHARLES CLAUDE RAMSEY

Petitioner - Appellant

v.

KIMBERLY H. RUNION, Director of the Virginia Center for Behavioral
Rehabilitation

Respondent - Appellee

O R D E R

The court denies the petition for rehearing and motion for certificate of
appealability.

Entered at the direction of the panel: Judge Wilkinson, Judge Agee, and
Judge Harris.

For the Court

/s/ Patricia S. Connor, Clerk

**Additional material
from this filing is
available in the
Clerk's Office.**