

No. 25-7399

**ORIGINAL**

Supreme Court, U.S.  
FILED

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OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

KHALIL SALAHUDDIN — PETITIONER  
(Your Name)

vs.

CHADWICK DOTSON — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

KHALIL SALAHUDDIN  
(Your Name)

VADOC Centralized Dist. Center 3521 WOODS WAY  
(Address)

STATE FARM VA, 23160-0004  
(City, State, Zip Code)

276-773-2518  
(Phone Number)

## QUESTIONS PRESENTED

Whether a Pro Se litigant who has filed a second in time 28 U.S.C. 2254 petition that is based on a Constitutional Claim that did not become ripe any earlier than after the adjudication of petitioners first 2254 petition is required to seek prior Authorization to file a second or successive petition under 28 U.S.C. 2244, when the highest State court has denied a Habeas corpus petition in part & granted a petition in part making some claims ripe for Federal relief & others subject to the exhaustion requirement in which claims do not meet the requirements of a permissible second or successive 2254 petition under 28 U.S.C. 2244?

Should an applicant filing a petition in this unusual posture be treated in the same manner as a prisoner whose habeas petition was dismissed for failure to exhaust State remedies, & who then did exhaust those remedies & returned to Federal Court?

Is it necessary that unripe claims be dismissed in Federal Court first for failure to exhaust State remedies rather than, exhausting State remedies simultaneously while exhausted claims are being pursued in Federal Court?

## LIST OF PARTIES

The petitioner is Khalil A. Salahuddin #1426653  
a prisoner at The River North Correctional Center,  
329 Dellbrook Ln., Independence Virginia, 24348

The respondent is Chadwick S. Dotson, Director of  
Virginia Department of Corrections, P.O. Box 26963  
6900 Atmore Drive, Richmond Virginia.

## RELATED CASES

Commonwealth of Virginia v. KHALIL Salahuddin, CN17001390-00 (11/30/2017), SALAHUDDIN v. Commonwealth, Record No. 1080-18-2 (3/6/2019, VA. Ct. APPS.), Salahuddin v. Commonwealth, CASE NO. N/A (2020, VA. S.Ct.), Salahuddin v. Clarke, Supreme Court Record No. 220274 (2022), Salahuddin v. Commonwealth, Record no. 0740-22-2 (2/28/2023, VA. Ct. APPS.), Salahuddin v. Commonwealth, Record no. N/A (2/2/2024, VA. S.Ct.), Salahuddin v. Clarke, no. 2:23-cv-36 (E.D. VA. JAN. 27, 2023), Salahuddin v. Dotson, no. 2:24-cv-146 (E.D. VA, Feb. 11 2025), Salahuddin v. Dotson, no. 25-6138 (U.S. Ct. OF APPS 4<sup>th</sup> Cir 12/22/2025) Salahuddin v. Dotson, no. 24-6245 (U.S. Ct. OF APPS. 4<sup>th</sup> Cir 12/30/2025)

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IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 9/18/2025.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 12/22/2025, and a copy of the order denying rehearing appears at Appendix A.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on 3/17/2026 (date) in Application No. A. *See RULE 14.5 OF S.Ct.*

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_.  
A copy of that decision appears at Appendix \_\_\_\_\_.

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

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# STATUTORY PROVISIONS INVOLVED

This case involves the statutory construction, interpretation & Application of United States Code, Title 28 Section 2244 (B) 3 (A) which provides "Before a second or successive application permitted by this section is filed in the District Court, the applicant shall move in the appropriate court of Appeals for an order authorizing the District Court to consider the application."

## STATEMENT OF THE CASE

Salahuddin, Petitioner filed a pro se petition for a writ of Habeas corpus in the Circuit Court of Spotsylvania County, Virginia. The Circuit Court dismissed the petition in part, denying several ineffective assistance of counsel claims & granted the petition in part allowing Salahuddin to file a delayed appeal in the Court of Appeals of Virginia on constitutional "Speedy Trial" issues.

Salahuddin appealed the portion of the Circuit Court decision dismissing his Habeas claims to the Supreme Court of Virginia which was denied 12/1/2022. While exhausting state remedies on the "Speedy Trial" claim

③ Salahuddin filed a Federal petition for writ of

Habeas Corpus in the U.S. District Court For The Eastern District of Virginia asserting ineffective assistance of counsel, Salahuddin v. Clarke, No: 23 CV 36 (E.D. Va. Jan. 27, 2023). The petition was dismissed on 2/8/2024. On 2/2/2024 The Supreme Court of Virginia denied the "Speedy Trial" Claim making the Constitutional Claim ripe for Federal relief. Due to VA. S.Ct. Rule, 5A:3 & 5A:13 that States that "all legal mail must be sent to Virginia Centralized distribution Center", Salahuddin did not receive Notice of Judgment until over 14 Day's later preventing an amendment of the first 28 U.S.C. 2254 petition in order to add the newly Ripe Constitutional Speedy Trial Claim.

On 2/20/2024, Salahuddin filed a 28 U.S.C. 2254 petition based on his now Ripe "Speedy Trial" Claim. On 7/3/2024, Respondent filed an answer to the Federal petition. On 7/22 & 7/24/2024 Salahuddin filed a response. On 2/11/2025 The U.S. District Court dismissed the petition with out prejudice to Refiling after obtaining an order Authorizing the filing of a successive petition from the Court of Appeals For the 4<sup>th</sup> circuit. On 12/22/2025 The U.S. Court of Appeals For the 4<sup>th</sup> circuit Affirmed The District Courts decision & denied Re hearing No. 25-6138.

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# REASONS FOR GRANTING THE WRIT

## A. Conflicts with decisions of other Courts

The holding of the Courts below that Salahuddin's second in time 28 U.S.C. 2254 petition should be dismissed with out prejudice & subject to the provisions of 28 U.S.C. 2244 (B) 3 (A), solely because the second in time petition challenges the same criminal conviction is directly contrary to the holdings of multiple Federal Circuits. See *United States v. Hairston*, 754 F.3d 258 (4<sup>th</sup> Cir 2014)

"Indeed subsequent case law indicates that the view of the 7<sup>th</sup> circuit is actually aligned with those of the 10<sup>th</sup> & 11<sup>th</sup> circuits." see *United States v. Obeid*, 707 F.3d 898, 903 (7<sup>th</sup> Cir 2013) (seeing no reason to part ways with our sister circuits, however we join them in concluding that a petition or motion based on a claim that did not become ripe any earlier than until after the adjudication of the petitioners first petition or motion is not 'second or successive' within the meaning of section 2244 & 2255(h)). *Hairston*, 754 F.3d 261

"It is settled law that not every numerically 2<sup>nd</sup> petition is a second or successive within the meaning of the AEDPA." *In Re Williams*, 444 F.3d, 233-35 (4<sup>th</sup> Cir, 2006) (section 2254 case); see also *Panetti v. Quarterman*, 551 U.S. 930, 942-47 (2007) (holding that a numerically 2<sup>nd</sup> 2254 petition is not governed by the strictures of 2244 (b)(2). on 2<sup>nd</sup> or successive petitions where the claim was not ripe at the

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time of the initial petition.) Hairston, 754 F.3d at 262.

## B. Importance of Questions Presented

This case presents a fundamental question of this Court's decision in *Panetti v. Quarterman*, 551 U.S. 930, 946 (2007)

The question presented is of great public importance because it affects 28 U.S.C. 2254 petitioners in all 50 states

who are in petitioners position after filing a State Habeas Corpus that is denied in part & granted in part & the relief given is a delayed appeal in the State Court of Appeals on a Constitutional claim, making some claims ripe for Federal relief & others subject to the exhaustion requirement, which forces the petitioner to forfeit the unexhausted claims due to the statute of limitations, while simultaneously exhausting the remedies available in the State Court for the unexhausted claim, making that claim one that would not be ripe at the time of the first 28 U.S.C. 2254 petition.

In view of the large amount of 28 U.S.C. 2254 litigation, guidance on the question is of great importance to petitioners nationally because it affects their ability to have timely presented Constitutional claims adjudicated on the merits, due to the fact that a State habeas court found Trial Counsel

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to be ineffective for failing to advance a Constitutional Claim on Direct Appeal, where but for this error the Constitutional Claim would have been on the first 2254 Petition.

The Purpose of the State Habeas Court Granting a New Direct Appeal is to put the Petitioner back in the Position he would have been in had Trial Counsel advanced the Constitutional Claim on Direct Appeal Originally, in order to have all Claims Ripe for adjudication on the first State Habeas Corpus & 28 U.S.C. 2254 Petition

This issue's importance is enhanced by the fact that the lower Courts in this case have disregarded or misinterpreted the holdings of *Panetti v. Quarterman*, 551 U.S. 930, 944-46 (2007) in which this Court held that "The phrase second or successive is not self defining. it takes it's full meaning from our case law, including decisions predating the enactment of the (AEDPA) of 1996, 110 Stat. 1214. see *Slack v. McDaniel*, 529 U.S. 473, 486 (2000) (citing *Martinez-Villareal*, SUPRA); see also *Felker v. Turpin*, 518 U.S. 561, 604 (1996). The Court has declined to interpret "2<sup>nd</sup> or successive" as referring to all Section 2254 applications filed 2<sup>nd</sup> or successively in time, even when the later filings address a State Court judgment already challenged in a prior 2254 application. see e.g., *Slack*, 529 U.S., at 487

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(concluding that a 2<sup>nd</sup> 2254 application was not "second or successive" after the petitioners first application, which had challenged the same state court judgment, had been dismissed for failure to exhaust state remedies); See also *id.*, at 486 (indicating that "pre-AEDPA law governed" the case before it but implying that the Court would have reached the same result under AEDPA); See also *Martinez-villa Real*, *Supra*, at 645, 118 S.Ct. 1618.

In *Stewart v. Martinez-villa Real*, 523 U.S. 637 at 643-44 (1998) the State contended that "because respondent has already had one fully-litigated Habeas petition, the plain meaning of Section 2244(B) as amended requires his new petition to be treated as successive..." Under that reading of the statute, respondent is entitled to only one merits judgment on his federal habeas claims. Because respondent has already presented a petition to the District Court & The District Court & Court of Appeals have acted on that petition, Section 2244(B) must apply to any subsequent request for federal habeas relief." "If the States interpretation of 2<sup>nd</sup> or successive were correct, the implications for habeas practice would be far-reaching & seemingly perverse. In *Picard v. Connor* 404 U.S. 270, 275 (1971) we said: It has been settled since *Ex parte Royall*, 117 U.S. 241 (1886), that a state prisoner must normally exhaust available state judicial

Remedies before a Federal Court will entertain his petition for Habeas Corpus.... The exhaustion of State Remedies doctrine now codified in the Federal Habeas Statute 28 U.S.C. 2254(B) & (C) reflects a policy of Federal-State Comity.... It follows, of course that once the Federal claim has been fairly presented to the State Courts, The exhaustion requirement is satisfied." Later in *Rose v. Lundy*, 455 U.S. 509, 522 (1982) this Court held, "A district Court must dismiss Habeas petitions containing both Unexhausted & exhausted claims."

The United States Supreme Court Reiterated this point in *Panetti*, 551 U.S. 930 At 945 (2007) OUR Conclusion is confirmed when we consider AEDPA's Purposes. The Statutes design is to "Further the principles of Comity, Finality, & Federalism." *Miller-el v. Cockrell*, 537 U.S. 322, 337 (2003). Cf. *Day v. McDonough*, 547 U.S. 198, 205-206 (2006) (The AEDPA Statute of limitation promotes Judicial efficiency & Conservation of Judicial Resources, safeguards the Accuracy of State Court judgments by requiring resolution of Constitutional questions while the record is fresh & lends "Finality to State Court judgments within a reasonable time." "These purposes, & the practical effects of our holdings, Should be Considered when interpreting AEDPA. This is particularly so when petitioners "RUN the RISK"

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Under this proposed interpretation of "Forever losing their opportunity for any Federal Review of their unexhausted claims." *Rhines v. Webber*, 544 U.S. 269, 275 (2005) see also *Castro v. U.S.*, 540 U.S. 375, 381 (2003). In *Rhines* "we recognized the gravity of the problem" posed when petitioners file applications with only some claims exhausted as well as "the difficulty this problem has posed for petitioners & Federal district courts alike." 544 U.S. at 275-276. We sought to ensure our "solution to this problem was compatible with AEDPA's purposes." *id.* at 276. & in *Castro* we resisted an interpretation of the statute that would "produce troublesome results," "create procedural anomalies," & "close our doors to a class of habeas petitioners seeking review with out any clear indication that such was Congress intent." 540 U.S. at 380-81

The common sense understanding of seeking prior authorization to file a successive petition & the point of 28 U.S.C. 2244 (B) restrictions... This court has stated is to "conserve judicial resources, reduce piecemeal litigation" & lend finality to state court judgments within a reasonable time. *Banister v. Davis*, 590 U.S. 504 at 512 (2020). "Instructing prisoners to file premature claims particularly when many of these claims will not be colorable even at a later date, does not conserve judicial resources,

"Reduce piecemeal litigation" or Streamline Federal Habeas Proceedings." *Burton v. Stewart*, 549 U.S. 147, 154 (2007). *Panetti*, 551 U.S. At 946. In the usual case, A petition Filed second in time & not otherwise Permitted by the terms of 2244 will not survive AEDPA's "2nd or successive" bar. There are however, exceptions. We are hesitant to construe a Statute, implemented to Further the Principles of Comity, Finality & Federalism, in a manner that would require unripe (often, factually unsupported) Claims to be raised as a mere formality, to the Benefit of no party. *id.* 551 U.S. 947

Thus the Court below has disregarded or misinterpreted *Panetti v. Quarterman*, by Failing to distinguish between numerically second 2254 petitions that fall into a recognized small subset of unavailable Claims that were not ripe at the time of the initial petition & successive Petitions that are governed by the structures of 28 U.S.C. 2244.

The Court should correct the Lower Courts decision & Make it clear that not every numerically 2<sup>nd</sup> petition is a second or successive petition within the meaning of AEDPA, specifically under the circumstances where petitioner does not meet the requirements of a permissible 2<sup>nd</sup> or successive 28 U.S.C. 2254 motion

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Under 28 U.S.C. 2244 & an applicant is forced to choose between claims that are available immediately such as Ineffective assistance of Counsel & those available only later, such as a Constitutional claim that the State Habeas Court found Trial Counsel to be ineffective, for failing to advance on direct appeal, causing such claim not to be "ripe" until after proper exhaustion, which under no circumstances would be the Applicant's fault & with no argument that petitioner proceeded in a manner that could be considered an abuse of the writ.

Petitioner further ask this court to instruct the lower courts to explain why a second in time petition is subject to the provisions of 28 U.S.C. 2244(B)3(A) when dismissing a 28 U.S.C. 2254 petition as "second or successive", so that their decisions are not solely based on the fact that a new petition follows an initial application.

## CONCLUSION

For the foregoing reasons, certiorari should be granted in this case.

Respectfully submitted:

KHALIL SALAHUDDIN

Khalil Salahuddin 4/8/2026

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