

Appendix [A]

FILED: September 18, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-6138
(2:24-cv-00146-RBS-RJK)

KHALIL A. SALAHUDDIN

Petitioner - Appellant

v.

CHADWICK DOTSON

Respondent - Appellee

J U D G M E N T

In accordance with the decision of this court, a certificate of appealability is denied and the appeal is dismissed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK

APPENDIX [A]

UNPUBLISHED

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

No. 25-6138

KHALIL A. SALAHUDDIN,

Petitioner - Appellant,

v.

CHADWICK DOTSON,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca Beach Smith, Senior District Judge. (2:24-cv-00146-RBS-RJK)

Submitted: August 25, 2025

Decided: September 18, 2025

Before WILKINSON, HARRIS, and HEYTENS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Khalil A. Salahuddin, Appellant Pro Se. Katherine Quinlan Adelfio, OFFICE OF THE ATTORNEY GENERAL OF VIRGINIA, Richmond, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

Appendix [A]

PER CURIAM:

Khalil A. Salahuddin seeks to appeal the district court's order accepting the recommendation of the magistrate judge and dismissing Salahuddin's 28 U.S.C. § 2254 petition as an unauthorized, successive § 2254 petition. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. *See* 28 U.S.C. § 2253(c)(1)(A). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). When, as here, the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable and that the petition states a debatable claim of the denial of a constitutional right. *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012) (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

We have independently reviewed the record and conclude that Salahuddin has not made the requisite showing. Accordingly, we deny a certificate of appealability and dismiss the appeal. We 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.

DISMISSED

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FILED: December 22, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-6138
(2:24-cv-00146-RBS-RJK)

KHALIL A. SALAHUDDIN

Petitioner - Appellant

v.

CHADWICK DOTSON

Respondent - Appellee

ORDER

The court denies the motion to excuse untimely petition as unnecessary and denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 40 on the petition for rehearing en banc.

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

For the Court

/s/ Nwamaka Anowi, Clerk

Appendix [B]

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

KHALIL A. SALAHUDDIN, #1426653,

Petitioner,

v.

ACTION NO. 2:24cv146

CHADWICK DOTSON,

Respondent.

FINAL ORDER

Petitioner Khalil A. Salahuddin ("Salahuddin"), a Virginia inmate, has submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. ECF No. 1. Salahuddin challenges his conviction for possession of a controlled substance, third or subsequent offense, in the Circuit Court for Spotsylvania County in 2017, based on a speedy trial violation. *Id.* at 1, 4-14.

Salahuddin previously filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 in this Court challenging the same convictions, which the Court dismissed with prejudice on February 8, 2024. *Salahuddin v. Clarke*, No. 2:23cv36 (E.D. Va. Jan. 27, 2023), ECF Nos. 1, 30.

Salahuddin's current petition is a successive section 2254 petition. Pursuant to 28 U.S.C. § 2244(b)(3)(A), "[b]efore 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."

The matter was referred to a United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Local Civil Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia for a report and recommendation. The report and recommendation, filed December 9, 2024, recommends that Salahuddin's petition be dismissed without prejudice to Salahuddin refiling his petition after obtaining an order authorizing the filing of a successive petition from the Court of Appeals for the Fourth Circuit. ECF No. 27, at 4. Each party was advised of the right to file written objections to the findings and recommendations made by the Magistrate Judge. *Id.* at 4-5. Salahuddin filed objections to the report and recommendation on January 24, 2025, and January 30, 2025. ECF Nos. 28, 31.

The Court, having reviewed the record and examined the objections filed by Salahuddin to the report and recommendation, and having made *de novo* findings with respect to the portions objected to, does hereby adopt and approve the findings and recommendations set forth in the report and recommendation. The Court, therefore, **ORDERS** that Salahuddin's petition, ECF No. 1, is

ca-1700-1384 & 1390, ca04-1281-03 ca15-259-01

APPENDIX [C]

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

KHALIL A. SALAHUDDIN, #1426653,

Petitioner,

v.

ACTION NO. 2:24cv146

CHADWICK DOTSON,

Respondent.

**UNITED STATES MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

Petitioner Khalil A. Salahuddin (“Salahuddin”), a Virginia inmate, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his convictions for possession with intent to distribute controlled substances, third or subsequent offense, in the Circuit Court for Spotsylvania County in 2017. ECF No. 1, at 1.

Respondent, Chadwick Dotson, Director of the Virginia Department of Corrections (“respondent”) moved to dismiss Salahuddin’s petition. ECF No. 14. This matter was referred to the undersigned United States Magistrate Judge pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Rule 72 of the Rules of the United States District Court for the Eastern District of Virginia. The Court recommends that respondent’s motion to dismiss (ECF No. 14) be **DENIED** as moot and the successive petition for writ of habeas corpus (ECF No. 1) be **DENIED** and **DISMISSED WITHOUT PREJUDICE** to Salahuddin’s right to present his claims after obtaining an order from the United States Court of Appeals for the Fourth Circuit.

I. STATEMENT OF THE CASE

In his *pro se* petition, Salahuddin alleges his speedy trial rights were violated when he was prosecuted for possession with intent to distribute cocaine and possession with intent to distribute heroin, both third or subsequent offenses, in the Circuit Court for Spotsylvania County in 2017. ECF No. 1, at 1, 4–14.

Salahuddin appealed his convictions to the Court of Appeals of Virginia, which denied the appeal on March 6, 2019. ECF Nos. 16-3, 16-4. Salahuddin moved for a delayed appeal to the Supreme Court of Virginia, which was granted. ECF No. 16-5. The Supreme Court of Virginia refused the petition for appeal on July 15, 2020. ECF No. 16-6.

Salahuddin then filed a *pro se* petition for a writ of habeas corpus in the Circuit Court for Spotsylvania County. ECF No. 16-7. The circuit court dismissed the petition in part, denying several ineffective assistance of counsel and prosecutorial misconduct claims, and granted the petition in part allowing Salahuddin to file a delayed appeal on the issue of speedy trial. ECF No. 16-8; *see also* ECF No. 16-9 (order from the Court of Appeals of Virginia permitting Salahuddin to file a delayed appeal on the issue of speedy trial). Salahuddin appealed the portion of the circuit court decision dismissing his habeas claims and the Supreme Court of Virginia refused the appeal on December 1, 2022. ECF Nos. 16-10, 16-11.

On February 28, 2023, the Court of Appeals of Virginia denied Salahuddin's delayed appeal finding Salahuddin's constitutional and statutory rights to a speedy trial were not violated and affirmed his convictions. ECF No. 16-12. Salahuddin appealed the denial of his speedy trial claims to the Supreme Court of Virginia. ECF No. 17-1, at 13–31. The Supreme Court of Virginia refused the petition for appeal on September 27, 2023, as untimely, and denied the petition for rehearing on February 2, 2024. ECF No. 17-1, at 60, 99.

APPENDIX [C]

While his appeal of the speedy trial issues was pending in the Court of Appeals of Virginia, Salahuddin filed a federal petition for a writ of habeas corpus in this Court asserting ineffective assistance of counsel. *Salahuddin v. Clarke*, No. 2:23cv36 (E.D. Va. Jan. 27, 2023), ECF No. 1. The petition was denied and dismissed on February 8, 2024. *Id.*, ECF No. 30. Salahuddin's appeal is pending in the United States Court of Appeals for the Fourth Circuit. *Id.*, ECF No. 33; *Salahuddin v. Dotson*, No. 24-6245 (4th Cir. Jan. 27, 2023).

Salahuddin filed another petition for a writ of habeas corpus with the Supreme Court of Virginia on March 18, 2024, which was refused on August 9, 2024. ECF No. 17-2; *Salahuddin v. Dotson*, No. 240224 (Va. Aug. 9, 2024).

On February 20, 2024, Salahuddin filed his current petition for a writ of habeas corpus in this Court alleging multiple grounds for relief that together assert he is entitled to relief because:

- (1) the trial court violated his right to a speedy trial under the Sixth Amendment to the United States Constitution;
- (2) the trial court violated his right to a speedy trial under Virginia Code § 19.2-243;
- (3) the trial court violated his due process rights under the Fourteenth Amendment; and
- (4) the trial court erred in granting the Commonwealth's motion to *nolle prosequi* the original charges.

ECF No. 1, at 4-14.

On July 3, 2024, respondent filed a Rule 5 answer and motion to dismiss Salahuddin's federal petition with a brief in support. ECF Nos. 14-17. Salahuddin responded to the motion to dismiss on July 22, 2024, and filed an amended response on July 24, 2024. ECF Nos. 21-22.

II. ANALYSIS

Salahuddin previously filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 in this Court challenging the same convictions, which was dismissed with prejudice on February 8, 2024. *Salahuddin v. Clarke*, No. 2:23cv36 (E.D. Va. Jan. 27, 2023), ECF Nos. 1, 30.

Salahuddin's current petition, which seeks relief from the same 2017 convictions, is a successive section 2254 petition. Pursuant to 28 U.S.C. § 2244(b)(3)(A), "[b]efore 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." This Court has not received an order from the Fourth Circuit authorizing the consideration of Salahuddin's successive application for a writ of habeas corpus. Nor does it appear from the petition that Salahuddin has moved for such an order. Therefore, this Court may not consider Salahuddin's application for a writ of habeas corpus.

III. RECOMMENDATION

It is therefore **RECOMMENDED** that respondent's motion to dismiss (ECF No. 14) be **DENIED** as moot and Salahuddin's federal petition (ECF No. 1) be **DISMISSED WITHOUT PREJUDICE** to Salahuddin refiling his federal petition after obtaining an order authorizing the filing of a successive petition from the United States Court of Appeals for the Fourth Circuit.

IV. REVIEW PROCEDURE

By copy of this report and recommendation, the parties are notified that pursuant to 28 U.S.C. § 636(b)(1)(C):

1. Any party may serve on the other party and file with the Clerk written objections to the foregoing findings and recommendations within fourteen (14) days from the date this report is forwarded to the objecting party by Notice of Electronic Filing or mail, *see* 28 U.S.C.

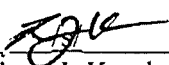
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§ 636(b)(1), computed pursuant to Rule 6(a) of the Federal Rules of Civil Procedure. Rule 6(d) of the Federal Rules of Civil Procedure permits an extra three (3) days, if service occurs by mail. A party may respond to any other party's objections within fourteen (14) days after being served with a copy thereof. See Fed. R. Civ. P. 72(b)(2) (also computed pursuant to Rule 6(a) and (d) of the Federal Rules of Civil Procedure).

2. A district judge shall make a *de novo* determination of those portions of this report or specified findings or recommendations to which objection is made.

The parties are further notified that failure to file timely objections to the findings and recommendations set forth above will result in a waiver of appeal from a judgment of this Court based on such findings and recommendations. *Thomas v. Arn*, 474 U.S. 140 (1985); *Carr v. Hutto*, 737 F.2d 433 (4th Cir. 1984); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

Norfolk, Virginia
December 9, 2024



Robert J. Krask
United States Magistrate Judge

Clerk's Mailing Certificate

A copy of the foregoing was provided electronically to counsel for respondent and was mailed this date to:

Khalil Salahuddin, #1426653
VA Doc Centralized Mail Dist. Center
3521 Woods Way
State Farm, VA 23160

Fernando Galindo, Clerk

By J.L. Meyers
Deputy Clerk

December 9, 2024

FILED: October 14, 2025

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-136

In re: KHALIL SALAHUDDIN,

Movant.

ORDER

Khalil Salahuddin has filed a motion under 28 U.S.C. § 2244 for an order authorizing the district court to consider a second or successive application for relief under 28 U.S.C. § 2254. We deny Salahuddin's motion to reconsider our prior abeyance order,* and we deny authorization to file a successive § 2254 petition.

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

For the Court

/s/ Nwamaka Anowi, Clerk

* We held Salahuddin's § 2244 motion in abeyance for *Rivers v. Guerrero*, 605 U.S. 443, 446-47 (2025) (holding "that, in general, once the district court has entered its judgment with respect to the first habeas petition, a second-in-time application qualifies as 'second or successive' and is thus properly subject to the requirements of § 2244(b)").