

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA, RICHMOND DIVISION

Ziad K. Bechara v. Unknown

Bechara · No. 3:25CV613-HEH · Decided November 24, 2025

SUMMARY

The United States District Court for the Eastern District of Virginia dismissed without prejudice a Virginia state prisoner’s 28 U.S.C. § 2254 petition after he failed to pay the filing fee or explain circumstances warranting excusal. The court also denied a certificate of appealability.

CASE DETAILS

COURT	United States District Court for the Eastern District of Virginia, Richmond Division
WRITING FOR THE COURT	Henry E. Hudson
JURISDICTION	United States District Court for the Eastern District of Virginia, Richmond Division
DECIDED	November 24, 2025
DOCKET	3:25CV613-HEH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254. After the court ordered him to pay the filing fee or explain special circumstances excusing payment, and he failed to respond, the court dismissed the petition without prejudice and denied a certificate of appealability.
PRECEDENTIAL VALUE	unpublished
PARTIES	Ziad K. Bechara v. Unknown

TOPICS

- federal habeas corpus
- post-conviction relief
- appellate procedure
- motions to dismiss
- civil procedure

PRACTICE AREAS

- federal habeas corpus
- post-conviction relief
- appellate procedure

QUESTIONS PRESENTED

1. Whether the § 2254 petition should be dismissed without prejudice after petitioner failed to pay the filing fee or explain circumstances warranting excusal despite a court order and warning.
2. Whether petitioner was entitled to a certificate of appealability.

HOLDINGS

1. A § 2254 action may be dismissed without prejudice when the petitioner fails to comply with an order requiring payment of the filing fee or an explanation of circumstances warranting excusal, after receiving a warning that noncompliance would result in dismissal.
2. A certificate of appealability will not issue because the petitioner did not make a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“Accordingly, the action will be dismissed without prejudice.”

“A certificate of appealability will be denied.”

FACTUAL BACKGROUND

Petitioner is a Virginia state prisoner who submitted a petition under 28 U.S.C. § 2254. The court ordered him to pay the \$5 filing fee or explain special circumstances excusing payment, expressly warning that failure to respond would result in dismissal. More than thirty days passed without a response.

PROCEDURAL HISTORY

Bechara, a Virginia state prisoner proceeding pro se, submitted a § 2254 petition. On September 15, 2025, the court ordered him to pay the \$5 filing fee or explain circumstances warranting excusal and warned that failure to do so would result in dismissal. He did not respond within the required thirty days, so the court dismissed the action without prejudice and denied a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Slack v. McDaniel, 529 U.S. 473, 484 (2000)
- Barefoot v. Estelle, 463 U.S. 880, 893 & n.4 (1983)

OPINION

Bechara

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

ZIAD K. BECHARA,)

Petitioner, Vv. Civil Action No. 3:25CV613-HEH

UNKNOWN,

Respondent.

MEMORANDUM OPINION

(Dismissing 28 U.S.C § 2254 Petition Without Prejudice) Petitioner, a Virginia state prisoner proceeding pro se, submitted a 28 U.S.C. § 2254 petition. By Memorandum Order entered on September 15, 2025, the Court directed Petitioner, within thirty (30) days of the date of entry thereof, to pay the \$5.00 filing fee or explain any special circumstances that would warrant excusing payment of the filing fee. The Court warned Petitioner that it would dismiss the action if Petitioner did not pay the filing fee or explain any special circumstances that would warrant excusing payment of the filing fee. More than thirty (30) days have elapsed since the entry of the September 15, 2025, Memorandum Order, and Petitioner has not responded. Accordingly, the action will be dismissed without prejudice. An appeal may not be taken from the final order in a § 2254 proceeding unless a judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(A). A certificate of appealability will not issue unless a prisoner makes “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). This requirement is satisfied only when “reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were ‘adequate to deserve encouragement to proceed further.’” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (quoting *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)). No law or evidence suggests that Petitioner is entitled to further consideration in this matter. A certificate of appealability will be denied. An appropriate Order will accompany this Memorandum Opinion. It is so Ordered. Meh

HENRY E. HUDSON

Date: \Jay.24, 2025 UNITED STATES DISTRICT JUDGE Richmond, Virginia