

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
VIRGINIA

Shyriq Parham v. L. Hardy, et al.

Parham · No. 3:26CV235 · Decided May 15, 2026

SUMMARY

The United States District Court for the Eastern District of Virginia dismissed without prejudice a Virginia inmate's action after he failed to return a required form converting his emergency motion into a petition under 28 U.S.C. § 2254. The court also denied a certificate of appealability.

OPINION

Parham

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

SHYRIQ PARHAM,

Petitioner, v. Civil Action No. 3:26CV235 L. HARDY, et al., Respondents.

MEMORANDUM OPINION

Petitioner, a Virginia inmate proceeding pro se, has submitted an Emergency Motion for a Temporary Restraining Order and Preliminary Injunction, wherein he sought his immediate release from confinement. (ECF No. 1.) Given the content of this document, the Court deemed it appropriate to give Petitioner the opportunity to pursue this action as a petition for a writ of habeas corpus under 28 U.S.C. § 2254. See *Rivenbark v. Virginia*, 305 F. App'x 144, 145 (4th Cir. 2008). Accordingly, by Memorandum Order entered on April 8, 2026, the Court sent Petitioner the form for filing a 28 U.S.C. § 2254 petition. The Court informed Petitioner if he wished to proceed pursuant to 28 U.S.C. § 2254, he must complete the § 2254 Petition form and return the same to the Court within twenty (20) days of the date of entry thereof. The Court warned Petitioner that the failure to return to the § 2254 Petition form within twenty (20) days of the date of entry thereof would result in the dismissal of the action. See Fed. R. Civ. P. 41(b). More than twenty (20) days have elapsed since the entry of the April 8, 2026 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 Pettitioner is entitled to further consideration in this matter. The Court will DENY Petitioner a certificate of appealability. An appropriate Order shall accompany this Memorandum Opinion. Date: 5 5] 2be cmnflet— Richmond, Virginia Chief United States District Judge