

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Glover v. Superintendent, SCI Coal Township

Glover · No. 4:26-CV-00112 · Decided February 19, 2026

SUMMARY

The United States District Court for the Middle District of Pennsylvania dismissed Justin Anthony Glover, Jr.’s second-in-time 28 U.S.C. § 2254 petition without prejudice for lack of subject-matter jurisdiction. The court held that Glover was required to obtain authorization from the Third Circuit before filing a second or successive habeas petition, declined to transfer the matter, denied a certificate of appealability, and dismissed his motion to stay as moot.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Matthew W. Brann
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	February 19, 2026
DOCKET	4:26-CV-00112
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner filed a second-in-time pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254. The district court dismissed the petition without prejudice for lack of subject matter jurisdiction because petitioner had not obtained authorization from the United States Court of Appeals for the Third Circuit to file a second or successive petition.
STANDARD OF REVIEW	The court applied the jurisdictional requirements and gatekeeping provisions of the Antiterrorism and Effective Death Penalty Act governing second or successive § 2254 petitions. It also applied the Rule 4 standard requiring dismissal when the petition and attached exhibits plainly show that the petitioner is not entitled to relief.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; nonprecedential
PARTIES	Justin Anthony Glover, Jr. v. Sup’t S.C.I. Coal Twp.

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QUESTIONS PRESENTED

1. Whether Glover's second-in-time § 2254 petition was a second or successive habeas application subject to 28 U.S.C. § 2244(b).
2. Whether the district court had jurisdiction to consider the petition absent authorization from the Third Circuit.
3. Whether the petition should be transferred to the Third Circuit for authorization.
4. Whether Glover's motion to hold the federal proceedings in abeyance pending exhaustion of state remedies should be granted.
5. Whether a certificate of appealability should issue.

HOLDINGS

1. A second-in-time § 2254 petition raising new claims not included in a previously adjudicated federal habeas petition is a second or successive petition under the AEDPA, even when filed as a protective petition while state post-conviction proceedings are pending.
2. A district court lacks subject matter jurisdiction to entertain a second or successive § 2254 petition unless the petitioner first obtains authorization from the appropriate court of appeals under 28 U.S.C. § 2244(b)(3).
3. The district court declined to transfer the petition to the Third Circuit and dismissed it without prejudice, leaving Glover to seek authorization directly from the appropriate court of appeals.
4. A certificate of appealability shall not issue because Glover did not make a substantial showing of the denial of a constitutional right or show that reasonable jurists could debate the court's procedural ruling.

KEY QUOTATIONS

“Glover’s new Section 2254 petition, while second in time, is not a true “second or successive” habeas petition, but he is wrong. That is exactly what it is.”

“Under the AEDPA, this Court does not have jurisdiction to entertain Glover’s second or successive Section 2254 petition.”

FACTUAL BACKGROUND

Justin Anthony Glover, Jr. was serving a life sentence imposed by the Court of Common Pleas of Dauphin County for first-degree homicide, conspiracy, and abuse of a corpse. He had previously filed a federal § 2254 petition challenging his 2008 convictions and sentence, and that petition was adjudicated and denied on the

merits. While a fourth state post-conviction petition was pending, Glover filed the present federal petition, asserting that it was a protective filing and raising claims based on allegedly newly discovered facts.

PROCEDURAL HISTORY

Glover was serving a life sentence for Pennsylvania state convictions and had previously filed a § 2254 petition in the Middle District of Pennsylvania that was adjudicated and denied on the merits. He filed the present petition while a fourth state post-conviction petition was pending, characterizing the federal filing as protective. The district court held that the filing was a second or successive petition, dismissed it without prejudice for lack of jurisdiction, declined to transfer it to the Third Circuit, dismissed the motion to hold the proceedings in abeyance as moot, denied a certificate of appealability, and closed the case.

DISPOSITION

dismissed

CASES CITED

- Glover v. Coleman, No. 3:14-cv-01800, Docs. 45, 46 (M.D. Pa. Aug. 1, 2017), certificate of appealability denied, No. 17-2879 (3d Cir. Nov. 9, 2017)
- Glover v. Lane
- Gonzalez v. Crosby, 545 U.S. 524, 530 (2005)
- Banister v. Davis, 590 U.S. 504, 507, 514 (2020)
- McCleskey v. Zant, 499 U.S. 467 (1991)
- Panetti v. Quarterman, 551 U.S. 930, 934-35, 937, 941-47 (2007)
- Ford v. Wainright, 477 U.S. 399 (1986)
- Brady v. Maryland, 373 U.S. 83 (1963)
- Napue v. Illinois, 360 U.S. 264 (1959)
- Rivers v. Guerrero, 605 U.S. 443, 446-48 (2025)
- Case v. Hatch, 731 F.3d 1015, 1019, 1026 (10th Cir. 2013)
- Burton v. Stewart, 549 U.S. 147, 157 (2007)
- Benchoff v. Colleran, 404 F.3d 812, 820-21 (3d Cir. 2005)
- Slack v. McDaniel, 529 U.S. 473, 484 (2000)

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