

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Kenneth Todd Boykins v. Leticia James

Boykins · No. 25-CV-1287-LJV · Decided May 22, 2026

SUMMARY

The court determined that Kenneth Todd Boykins’s habeas corpus petition under 28 U.S.C. § 2254 was a second or successive petition concerning the same state-court conviction. Because Boykins had not obtained authorization from the appropriate court of appeals, the court transferred the petition to the United States Court of Appeals for the Second Circuit under 28 U.S.C. § 1631.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Lawrence J. Vilardo
JURISDICTION	United States District Court for the Western District of New York
DECIDED	May 22, 2026
DOCKET	25-CV-1287-LJV
DISPOSITION	remanded
PROCEDURAL POSTURE	Second or successive petition for a writ of habeas corpus under 28 U.S.C. § 2254, transferred to the United States Court of Appeals for the Second Circuit because the district court had not received authorization to consider it.
STANDARD OF REVIEW	The district court applied the statutory authorization requirement for second or successive § 2254 petitions; no merits standard of review was reached.
PRECEDENTIAL VALUE	Unpublished district-court order; precedential status is unknown from the source.
PARTIES	Kenneth Todd Boykins v. Leticia James

TOPICS

- federal habeas corpus
- successive petitions
- appellate procedure
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court could consider Boykins's second or successive § 2254 petition without prior authorization from the appropriate court of appeals.
2. Whether an unauthorized successive § 2254 petition should be transferred to the Second Circuit under 28 U.S.C. § 1631.

HOLDINGS

1. A district court may not consider a second or successive § 2254 application unless the applicant first obtains an order from the appropriate court of appeals authorizing the district court to consider it.
2. An unauthorized second or successive § 2254 petition must be transferred to the Second Circuit under 28 U.S.C. § 1631 so that the appellate court may determine whether the district court can hear it.

KEY QUOTATIONS

“Under 28 U.S.C. § 2244, before a district court may consider a second or successive application for a writ of habeas corpus filed under section 2254, “the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.””

“Because this petition has not been authorized, it is transferred to the United States Court of Appeals for the Second Circuit under 28 U.S.C. § 1631 so that the appellate court can decide whether this Court can hear it.”

FACTUAL BACKGROUND

Boykins is incarcerated at Green Haven Correctional Facility. He challenges a judgment of conviction entered on September 17, 2007, in New York State Supreme Court, Monroe County, and previously filed a § 2254 petition concerning that same judgment.

PROCEDURAL HISTORY

Boykins filed a § 2254 petition challenging a 2007 New York state-court conviction. He had previously filed a § 2254 petition concerning the same judgment in the Western District of New York under case number 12-CV-548-WMS-LGF. Because the new petition was successive and had not been authorized by the Second Circuit, the district court transferred it under 28 U.S.C. § 1631.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The petition was transferred to the United States Court of Appeals for the Second Circuit so that the appellate court could decide whether the district court may hear it. The order did not direct the district court to adjudicate

the habeas claims on the merits.

CASES CITED

- Liriano v. United States of America, 95 F.3d 119 (1996)
- Torres v. Senkowski, 316 F.3d 147, 151-52 (2d Cir. 2003)

OPINION

Boykins

PER CURIAM.

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF NEW YORK

KENNETH TODD BOYKINS,

Petitioner, v. 25-CV-1287-LJV

ORDER

LETICIA JAMES,

Respondent. The pro se petitioner, Kenneth Todd Boykins, is a prisoner confined at the Green Haven Correctional Facility. Boykins has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254 with respect to a judgment of conviction entered on September 17, 2007, in New York State Supreme Court, Monroe County. Docket Item 1. This is Boykins's second or successive petition with respect to the same judgment of conviction: his previous section 2254 petition was filed in this District under case number 12-CV-548-WMS-LGF. Under 28 U.S.C. § 2244, before a district court may consider a second or successive application for a writ of habeas corpus filed under section 2254, "the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application." Because this petition has not been authorized, it is transferred to the United States Court of Appeals for the Second Circuit under 28 U.S.C. § 1631 so that the appellate court can decide whether this Court can hear it. See *Liriano v. United States of America*, 95 F.3d 119 (1996) (holding that district courts in the Second Circuit must transfer second and successive section 2254 applications to the Court of Appeals); accord *Torres v. Senkowski*, 316 F.3d 147, 151-52 (2d Cir. 2003) (noting its previous holding that "a district court must transfer uncertified successive motions to this Court pursuant to 28 U.S.C. § 1631"). In light of the above, IT HEREBY IS ORDERED that this petition is transferred to the United States Court of Appeals for the Second Circuit. SO ORDERED. Dated: May 22, 2026
Buffalo, New York /s/ Lawrence J. Vilardo

LAWRENCE J. VILARDO

UNITED STATES DISTRICT JUDGE