

**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.

OPINION

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. Vilaro LAWRENCE J. VILARDO UNITED STATES DISTRICT JUDGE

