

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH
CAROLINA, AIKEN DIVISION

John Bernard Robinson v. SCDC et al. Warden Jackson

Case No. 1:25-cv-12678-DCC (D.S.C. Apr. 13, 2026) · No. 1:25-cv-12678-DCC · Decided April 13, 2026

SUMMARY

The United States District Court for the District of South Carolina dismissed John Bernard Robinson’s second or successive petition for habeas corpus relief under 28 U.S.C. § 2254. The court held that Robinson was required to obtain authorization from the Fourth Circuit before filing and that the district court lacked jurisdiction because authorization had been denied. The dismissal was without prejudice to seeking such authorization, and the court denied Robinson’s motion to present a question of law.

CASE DETAILS

COURT	United States District Court for the District of South Carolina, Aiken Division
JURISDICTION	United States District Court for the District of South Carolina, Aiken Division
DECIDED	April 13, 2026
DOCKET	1:25-cv-12678-DCC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas corpus relief under 28 U.S.C. § 2254. After the magistrate judge recommended summary dismissal without requiring a response, Petitioner filed objections and a motion to present a question of law. The district court conducted de novo review of the objected-to portions, adopted the recommendation, dismissed the petition without prejudice, and denied the motion.
STANDARD OF REVIEW	The district court conducts de novo review of portions of a magistrate judge's report to which a specific objection is made; absent a specific objection, review is for clear error.
PRECEDENTIAL VALUE	unpublished
PARTIES	John Bernard Robinson v. SCDC et al. Warden Jackson

TOPICS

federal habeas corpus

successive petitions

subject matter jurisdiction

appellate procedure

standard of review

PRACTICE AREAS

federal habeas corpus

post-conviction relief

appellate procedure

QUESTIONS PRESENTED

1. Whether the present § 2254 petition was a second or successive petition challenging the same conviction.
2. Whether the district court had jurisdiction to consider the petition after the Fourth Circuit denied authorization to file a second or successive habeas application.
3. Whether Petitioner's motion to present a question of law regarding the § 2254 application should be granted.
4. Whether a certificate of appealability should issue.

HOLDINGS

1. A second § 2254 petition attacking the same conviction is second or successive when the first petition was finally adjudicated, and Robinson's present petition was second or successive because his prior petition concerning the same conviction had been denied.
2. A petitioner must obtain authorization from the appropriate court of appeals before filing a second or successive § 2254 petition in the district court.
3. The district court lacked jurisdiction to consider Robinson's successive § 2254 petition after the Fourth Circuit denied authorization.
4. The motion to present a question of law regarding the § 2254 application was denied.
5. A certificate of appealability was denied because Robinson failed to make the required showing of the denial of a constitutional right.

KEY QUOTATIONS

“Because the Fourth Circuit denied his request, this Court lacks jurisdiction to consider his Petition.” (at 3)

“The Petition is DISMISSED without prejudice to Petitioner’s right to seek authorization from the Fourth Circuit Court of Appeals to file a successive petition, and without requiring Respondent to file an answer or return.” (at 4)

FACTUAL BACKGROUND

Robinson filed a § 2254 petition challenging the same state-court conviction challenged in his prior federal habeas action. His first petition was filed on July 29, 2009, and denied on September 15, 2010. Robinson filed the present petition without obtaining authorization from the Fourth Circuit to file a second or successive petition; although he stated he had requested authorization, he later reported that the request had been denied.

PROCEDURAL HISTORY

The matter was referred to Magistrate Judge Shiva V. Hodges under 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B)(2). The magistrate judge recommended dismissal because the petition was a second or successive § 2254 petition. Petitioner objected and stated that he had sought authorization from the Fourth Circuit; he later reported that authorization had been denied. The district court dismissed for lack of jurisdiction, denied the related motion, and declined to issue a certificate of appealability.

DISPOSITION

dismissed

CASES CITED

- Mathews v. Weber, 423 U.S. 261 (1976)
- Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005)
- In re Williams, 444 F.3d 233, 236 (4th Cir. 2006)
- Henderson v. Bazzle, No. 9:08-cv-0978-MBS-GCK, 2008 WL 1908535, at *3 (D.S.C. Apr. 29, 2008)
- In re Vial, 115 F.3d 1192, 1194 (4th Cir. 1997)
- Felker v. Turpin, 518 U.S. 651, 657 (1996)
- United States v. Winestock, 340 F.3d 200, 205-06 (4th Cir. 2003)
- Slack v. McDaniel, 529 U.S. 473, 484-85 (2000)
- Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003)

OPINION

Robinson

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

John Bernard Robinson,) Case No. 1:25-cv-12678-DCC) Petitioner,)) v.) ORDER) SCDC et al
Warden Jackson,)) Respondent.) _____) Petitioner, proceeding
pro se, is seeking habeas corpus relief pursuant to 28 U.S.C. § 2254. In accordance with 28 U.S.C.
§ 636(b) and Local Civil Rule 73.02(B)(2), (D.S.C.), this matter was referred to United States
Magistrate Judge Shiva V. Hodges for pre-trial proceedings and a Report and Recommendation
("Report"). On October 6, 2025, the Magistrate Judge issued a Report recommending that the
Petition be dismissed without requiring Respondent to file a return. ECF No. 6. The Magistrate
Judge advised Petitioner of the procedures and requirements for filing objections to the Report and
the serious consequences if he failed to do so. Petitioner filed objections to the Report and a
motion to present a question of law regarding 2254 application. ECF Nos. 8, 11.

APPLICABLE LAW

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. See 28 U.S.C. § 636(b). The Court will review the Report only for clear error in the absence of an objection. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” (citation omitted)).

ANALYSIS

The Magistrate Judge recommends summary dismissal of the instant Petition because it is a second and successive § 2254 action. The Report sets forth in detail the relevant facts and standards of law on this matter, and this Court incorporates those facts and standards without recitation. Because Petitioner filed objections, the Court’s review has been de novo. To be considered successive, the second habeas petition must be the second attack of the same conviction and the first habeas petition must have been finally adjudicated on the merits. See *In re Williams*, 444 F.3d 233, 236 (4th Cir. 2006). “[A] dismissal of a [§ 2254] petition as untimely renders a subsequent petition successive.” *Henderson v. Bazzle*, No. 9:08-cv-0978-MBS-GCK, 2008 WL 1908535, at *3 (D.S.C. Apr. 29, 2008). Under the Anti-Terrorism and Effective Death Penalty Act of 1996, “an individual may not file a second or successive § 2254 petition for a writ of habeas corpus or § 2255 motion to vacate sentence without first receiving permission to do so from the appropriate circuit court of appeals.” *In re Vial*, 115 F.3d 1192, 1194 (4th Cir. 1997). “The prospective applicant must file in the court of appeals a motion for leave to file a second or successive habeas application in the district court.” *Felker v. Turpin*, 518 U.S. 651, 657 (1996) (citing 28 U.S.C. § 2244(b)(3)(A)). “A three-judge panel has 30 days to determine whether ‘the application makes a prima facie showing that the application satisfies the requirements of’ § 2244(b).” *Id.* (quoting § 2244(b)(3)(c)). Petitioner’s prior § 2254 petition addressing the same state court conviction was filed on July 29, 2009, and was denied on September 15, 2010. *Robinson v. Padula*, C/A No. 1:09-cv-01977-JMC. Accordingly, Petitioner’s instant Petition is uncontrovertibly second or successive under § 2244(b), given the fact it was filed after the Court ruled on his first § 2254 action. Therefore, Petitioner was required to obtain leave from the United States Court of Appeals for the Fourth Circuit prior to filing this action. § 2244(b)(3)(A). In his objections, Petitioner states that he has requested leave from the Fourth Circuit and is awaiting a response. ECF No. 8. In his motion filed thereafter, Petitioner reports that his request has been denied. ECF No. 11. Because the Fourth Circuit denied his request, this Court lacks jurisdiction to consider his Petition. See *United States v. Winestock*, 340 F.3d 200, 205–06 (4th Cir. 2003). Petitioner’s

remaining statements in his motion appear to be an attempt to differentiate this action from a successive § 2254. This is uncontrovertibly a second attack on the same conviction that has been previously ruled upon. Accordingly, the motion is denied. After considering the record in this case, the applicable law, and the Report of the Magistrate Judge, the Court agrees with the Report's recommendation. The Petition is DISMISSED without prejudice to Petitioner's right to seek authorization from the Fourth Circuit Court of Appeals to file a successive petition, and without requiring Respondent to file an answer or return. Petitioner's motion to present a question of law regarding 2254 application [11] is DENIED.

CERTIFICATE OF APPEALABILITY

"The district court must issue or deny a certificate of appealability when it enters a final order adverse to the applicant." Rule 11(a) of the Rules Governing Section 2254 Cases. A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). When the district court denies relief on the merits, a petitioner satisfies this standard by demonstrating that reasonable jurists would find that the court's assessment of the constitutional claims is debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); see *Miller-El v. Cockrell*, 537 U.S. 322, 336–38 (2003). When the district court denies relief on procedural grounds, the prisoner must demonstrate both that the dispositive procedural ruling is debatable, and that the petition states a debatable claim of the denial of a constitutional right. *Slack*, 529 U.S. at 484–85. In this case, the Court concludes that Petitioner has failed to make the requisite showing of "the denial of a constitutional right." IT IS SO ORDERED. s/ Donald C. Coggins, Jr. United States District Judge April 13, 2026 Spartanburg, South Carolina