

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PRECEDENTIAL VALUE	unpublished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)