

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 25-6171

CHARLES C. RAMSEY,

Petitioner - Appellant,

v.

NELSON SMITH, Commissioner, Virginia Department of Behavioral Health and
Developmental Services,

Respondent - Appellee.

Appeal from the United States District Court for the Eastern District of Virginia, at
Norfolk. Rebecca Beach Smith, Senior District Judge. (2:24-cv-00311-RBS-DEM)

Submitted: August 28, 2025

Decided: September 3, 2025

Before GREGORY, QUATTLEBAUM, and HEYTENS, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Charles C. Ramsey, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Charles C. Ramsey seeks to appeal the district court's order accepting the recommendation of the magistrate judge and dismissing as untimely Ramsey's 28 U.S.C. § 2254 petition. *See Gonzalez v. Thaler*, 565 U.S. 134, 148 & n.9 (2012) (explaining that § 2254 petitions are subject to one-year statute of limitations, running from latest of four commencement dates enumerated in 28 U.S.C. § 2244(d)(1)). The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1)(A). 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, as here, 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. *Gonzalez*, 565 U.S. at 140-41 (citing *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)).

We have independently reviewed the record and conclude that Ramsey has not made the requisite showing.* Accordingly, we deny a certificate of appealability and dismiss

* We conclude that the district court should have dismissed without prejudice Ramsey's § 2254 petition for lack of jurisdiction. Ramsey previously challenged both the state criminal judgment and the civil commitment order in separate § 2254 petitions that the district court denied. *See Ramsey v. Runion*, 488 F. App'x 759, 759 (4th Cir. 2012) (No. 12-7579) (dismissing Ramsey's appeal from district court's order denying relief on § 2254 petition challenging civil commitment order); *Ramsey v. Angelone*, 59 F. App'x 591, 591-92 (4th Cir. 2003) (No. 02-7696) (dismissing Ramsey's appeal from district court's order denying relief on § 2254 petition challenging state criminal judgment). And Ramsey did not receive authorization from this court before he filed the instant § 2254 petition. Ramsey's § 2254 petition was thus an unauthorized second or successive § 2254 petition. *See* 28 U.S.C. § 2244(b)(3)(A); *In re Williams*, 364 F.3d 235, 238 (4th Cir. 2004).

the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

DISMISSED