

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 06-5123

September Term, 2006

06cv00550

Filed On: December 13, 2006

[1010712]

James McConico, Jr.,
Appellant

v.

U.S. Congress, et al.,
Appellees

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

BEFORE: Ginsburg, Chief Judge, and Henderson and Tatel, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court's order filed March 23, 2006 be affirmed. The district court properly dismissed appellant's action on the ground that the Supreme Court has held that the Antiterrorism and Effective Death Penalty Act's restrictions on second or successive habeas petitions "do not amount to a 'suspension' of the writ contrary to Article I, § 9." Felker v. Turpin, 518 U.S. 651, 664 (1996).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam