

**NONPRECEDENTIAL DISPOSITION**  
To be cited only in accordance with Fed. R. App. P. 32.1

**United States Court of Appeals**  
**For the Seventh Circuit**  
**Chicago, Illinois 60604**

Submitted November 17, 2023

Decided November 21, 2023

**Before**

DIANE S. SYKES, *Chief Judge*

FRANK H. EASTERBROOK, *Circuit Judge*

DIANE P. WOOD, *Circuit Judge*

No. 23-2197

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

*v.*

JACOBY WALKER,  
*Defendant-Appellant.*

Appeal from the  
United States District Court for the  
Northern District of Indiana,  
Hammond Division.

No. 2:97 CR 88

James T. Moody,  
*Judge.*

**ORDER**

Jacoby Walker was sentenced in 1999 for six drug and firearms crimes. We affirmed on direct appeal, and the district court denied his motion for collateral relief under 28 U.S.C. § 2255. Walker later filed two requests for resentencing, one under 18 U.S.C. § 3582(c)(2) based on Amendment 782 to the Sentencing Guidelines and another under § 404 of the First Step Act. The district judge granted the requests in part and reduced Walker's sentence. Walker appealed that order, raising several claims of error and arguing that the judge should have reduced his sentence even further. We

rejected his arguments and affirmed the judge's resentencing order. *United States v. Walker*, No. 21-1551 (7th Cir. Nov. 5, 2021).

On September 16, 2022—about ten months after our order affirming the judge's resentencing decision—Walker filed a document in the district court captioned as a “Motion for Reconsideration Pursuant to Federal Rule of Civil Procedure Rule 60(b)(6).” The judge denied the motion on May 2, 2023, and Walker appealed.

We dismiss the appeal. Despite the caption, Walker's motion is functionally a successive § 2255 motion or perhaps a belated petition for rehearing of our November 2021 decision affirming the judge's resentencing order. If the former, it is unauthorized. *See* §§ 2255(h), 2244. If the latter, it was directed to the wrong court and is untimely. *See* FED. R. APP. P. 40(a)(1).

DISMISSED