

Copy mailed to attorneys for parties by the Court pursuant to Rule 77 (d) Federal Rules of Civil Procedures.

U.S. DIST. COURT EAST DIST. WISC.  
FILED  
AUG 19 2005  
O'CLOCK  
SCOTT B. NEDILSKY

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

GREGORY WESLEY HAYES,

Petitioner/Defendant,

Case No. 05-C-878  
95-CR-135

v.

UNITED STATES OF AMERICA,

Respondent/Plaintiff,

**OPINION AND ORDER**

Gregory Hayes, a prisoner in federal custody, has filed a motion for relief pursuant to 28 U.S.C. § 2255. Hayes filed a prior section 2255 motion on September 4, 1998. That motion was denied with prejudice. See Decision and Order of September 10, 1998. A successive section 2255 motion must be certified by a panel of the Seventh Circuit Court of Appeals before it can be heard by a district court. See 28 U.S.C. § 2255. Hayes has presented no proof that he has obtained certification. Therefore, the court ORDERS that this "Motion to Modify, Reduce, or Correct His Sentence Pursuant to 28 U.S.C. § 2255" (filed August 17, 2005) IS DENIED without prejudice and dismissed.

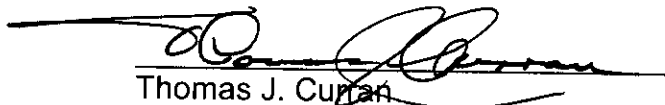
IT IS FURTHER ORDERED that the Clerk of Court shall enter a judgment of dismissal as a separate document. See Federal Rule of Civil Procedure 58. This judgment shall provide that:

Gregory Hayes brought a motion for relief pursuant to 28 U.S.C. § 2255 before the court, the Honorable Thomas J. Curran, District Judge, presiding, and relief having been denied,

IT IS ORDERED AND ADJUDGED

that this action is dismissed without prejudice.

Done and Ordered in Chambers at the United States Courthouse,  
Milwaukee, Wisconsin, this 19<sup>th</sup> day of August, 2005.

  
Thomas J. Curran  
United States District Judge