

NONPRECEDENTIAL DISPOSITION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 August 21, 2012¹

Decided August 23, 2012

Before

ILANA DIAMOND ROVNER, *Circuit Judge*

DIANE P. WOOD, *Circuit Judge*

DIANE S. SYKES, *Circuit Judge*

No. 12-2315

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

TOMMY C. COX, also known as ICE CREAM,
Defendant-Appellant.

Appeal from the United States District
Court for the Northern District of Illinois,
Eastern Division.

No. 06 CR 925

Samuel Der-Yeghiayan,
Judge.

ORDER

Tommy C. Cox was sentenced on March 25, 2008, to 160 months' imprisonment for transporting a minor in interstate commerce for prostitution, in violation of 18 U.S.C. § 2422(a), and for credit card fraud in violation of 18 U.S.C. § 1029(a)(3). Cox appealed his prostitution-related convictions, and we affirmed them on August 18, 2009. *United States v. Cox*, 577 F.3d

¹ Pursuant to Internal Operating Procedure 6(b), this successive appeal has been assigned to the same panel that decided the previous appeal.

833 (7th Cir. 2009). Two years later, Cox filed a motion with the district court requesting a special sentence reduction based on mitigating factors, that, he argued, the court overlooked during sentencing. On September 30, 2011, the district court denied Cox's motion because it did not present "extraordinary and compelling reasons" warranting a sentence reduction under 18 U.S.C. § 3582(c). We affirmed, but modified the district court's decision to a dismissal for lack of jurisdiction because Cox's arguments were untimely and not recognized under 28 U.S.C. § 2255. *United States v. Cox*, No. 11-3348, 7th Cir. Jan. 24, 2012.

On May 15, 2012, Cox filed another motion for a sentence reduction on similar grounds to those in the motion that was dismissed in January 2012. The district court dismissed this motion for want of jurisdiction. We AFFIRM the district court's judgment. The district court lacks jurisdiction because Cox's motion is untimely and not recognized under 28 U.S.C. § 2255. We warn Cox not to continue peppering the court with these motions.