

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

CURTIS BELL,)	
)	
Petitioner,)	
)	CIVIL ACTION NO.
v.)	2:15cv708-MHT
)	(WO)
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

The petitioner, Curtis Bell, has filed a pro se motion (doc. no. 1) using the form for motions to vacate under 28 U.S.C. § 2255, in which he asserts claims challenging the sentence imposed against him in Case No. 2:94cr62-MHT. In connection with this § 2255 motion, Bell has also filed a supporting memorandum (doc. no. 2). Bell currently has a § 2255 motion pending before this court challenging the same sentence imposed against him in Case No. 2:94cr62-MHT. See Civil Action No. 2:14cv1104-MHT. "[I]n general, when a § 2255 motion is filed before adjudication of an initial § 2255 motion is complete, the district court

should construe the second § 2255 motion as a motion to amend the pending § 2255 motion." Ching v. United States, 298 F.3d 174, 177 (2nd Cir. 2002).

* * *

Accordingly, it is ORDERED that the clerk of court shall:

1. Strike petitioner Curtis Bell's § 2255 motion (doc. no. 1) and supporting memorandum (doc. no. 2) from Civil Action No. 2:15cv708-MHT and close Civil Action No.2:15cv708-MHT.

2. Docket the motion and supporting memorandum (doc. nos. 1 and 2) in Civil Action No. 2:14cv1104-MHT as a motion to amend the § 2255 motion pending in that case and a memorandum in support of the motion to amend the § 2255 motion.

DONE, this the 16th day of November, 2015.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE