

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ALONZO HOUSTON,)	
)	
Movant/Defendant,)	
)	
v.)	2:04-cr-179-JHH
)	2:14-cv-8019-JHH
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM OPINION

The court has before it the April 21, 2014 Motion (Doc. #1) to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 filed by Alanzo Houston. Pursuant to the court’s April 24, 2014 order (Doc. #3), the United States Government filed a Response, arguing that the Motion should be dismissed in its entirety as untimely and successive. (Doc. #7.) Houston filed a Response (Doc. # 13) to the Government’s arguments on June 1, 2014. The Motion (Doc. #1) to Vacate is now under submission and due to be denied.

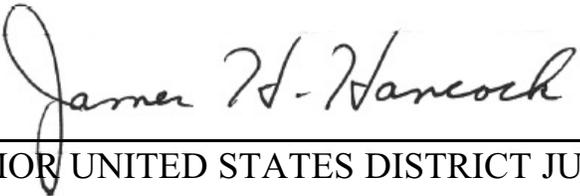
The Motion (Doc. #1) is due to be denied is because it is Houston’s second motion filed under 28 U.S.C. § 2255. His first motion was filed on July 24, 2007, and that motion was dismissed with prejudice on August 4, 2008. (See 2:07-cv-8023-

JHH-PWG.) Houston filed the instant Motion on April 21, 2014.

The law is clear that a successive motion pursuant to § 2255 may not be reviewed by this court unless the defendant first obtains permission – a certificate of appealability – from the Eleventh Circuit Court of Appeals to file the same. 28 U.S.C. § 2255(h); 28 U.S.C. § 2244(b)(3)(A); Jackson v. Crosby, 437 F.3d 1290, 1294-95 (11th Cir. 2006). Houston does not have the required certificate of appealability. As such, the court’s hands are tied, and it cannot consider the present motion. Because Houston has not satisfied this requirement, the court is without jurisdiction to entertain his successive § 2255 motion, and the Motion to Vacate (Doc. # 1) is due to be denied.¹

A separate order will be entered dismissing this action without prejudice. The Clerk is **DIRECTED** to mail a copy of this order to the Movant and the United States Attorney for the Northern District of Alabama.

DONE this the 28th day of August, 2014.



SENIOR UNITED STATES DISTRICT JUDGE

¹ The court does not address the government’s argument regarding the timeliness of the motion or Houston’s response.