

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

**WO**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

United States of America,

Plaintiff,

vs.

Ivan Ray Begay,

Defendant/Movant.

No. CV-10-08221-PCT-PGR  
No. CR-00-01222-001-PCT-PGR

ORDER

Pending before the Court is the movant’s Motion for Leave to File a Supplemental Pleading Pursuant to 28 U.S.C. § 2242, and Rule 15(d) of the Federal Rules of Civil Procedure, filed July 18, 2013, wherein the movant states that he is “not replacing the original 2255, only to correct claims, attempted to be set forth in it.”<sup>1</sup> The Court finds that the motion should be summarily denied because there is nothing left in this action to supplement, amend, or correct as the § 2255 motion that the movant is attempting to now add to was dismissed as time-barred on March 7, 2011 and the Ninth Circuit Court of Appeals dismissed the movant’s appeal of the judgment of dismissal on August 27, 2012 when it denied the issuance of a

<sup>1</sup>

The motion was originally submitted to the Ninth Circuit Court of Appeals which forwarded to this Court for filing.

1 certificate of appealability. Since that time the Court has denied various improper  
2 procedural attempts by the movant to amend his § 2255 motion and the Ninth Circuit  
3 has on repeated occasions denied the movant either a certificate of appealability or  
4 permission to file a second or successive § 2255 motion raising these same general  
5 claims. See Order (Doc. 31), entered on June 12, 2013, setting forth the procedural  
6 post-judgment history of this action.<sup>2</sup> Therefore,

7 IT IS ORDERED that the movant's Motion for Leave to File a Supplemental  
8 Pleading Pursuant to 28 U.S.C. § 2242, and Rule 15(d) of the Federal Rules of Civil  
9 Procedure (Doc. 32) is denied.

10 DATED this 25<sup>th</sup> day of July, 2013.

11  
12   
13 Paul G. Rosenblatt  
United States District Judge

14  
15  
16  
17  
18  
19  
20  
21 

---

2

22 Because of the movant's repeated improper attempts in effect to re-open his  
terminated § 2255 motion, the Court stated in its June 12<sup>th</sup> Order that:

23 The movant is warned that the Court is unwilling to expend any more of its  
24 scarce resources resolving issues that it has already resolved in the movant's  
25 previous cases, and that any future attempt by him to re-raise these same  
26 rejected arguments in this Court, no matter how those arguments are titled,  
will result in that attempt being summarily denied.