

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**MICHAEL JAMES BLUM**

**PETITIONER**

**V.**

**4:07-CR-00249-BRW**

**4:12-CV-00465-BRW**

**UNITED STATES OF AMERICA**

**RESPONDENT**

**ORDER**

Pending is Petitioner's second Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 (Doc. No. 76). For the reasons explained below, the Motion is DENIED.

On March 13, 2009, a jury found Petitioner guilty of production of child pornography (Count 2 – Rachael), receipt of child pornography (Count 3), and possession of child pornography (Count 4).<sup>1</sup> On July 29, 2009, I sentenced Petitioner to 188 months imprisonment on Counts 2 and 3, to run concurrently to 120 months imprisonment on Count 4; 15 years supervised release; and a \$300 special assessment.<sup>2</sup>

Petitioner appealed the judgment as to Count 2, and the Eighth Circuit Court of Appeals affirmed in an opinion dated December 15, 2010.<sup>3</sup> Petitioner then filed his first Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255.<sup>4</sup> On August 5, 2011, I denied Petitioner's Motion.<sup>5</sup>

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<sup>1</sup>Doc. No. 41. Petitioner was found not guilty of Counts 1 and 6. During trial, Petitioner's motion for judgment of acquittal was granted as to Count 5.

<sup>2</sup>Doc. No. 47.

<sup>3</sup>Doc. No. 62.

<sup>4</sup>Doc. No. 65.

<sup>5</sup>Doc. No. 74.

Under the amended Antiterrorism and Effective Death Penalty Act<sup>6</sup>, § 2255 requires that all successive § 2255 motions be certified by the appropriate court of appeals before they may be considered by the district court.<sup>7</sup> Because Petitioner has failed to obtain certification from the Eighth Circuit Court of Appeals, his petition must be dismissed for lack of jurisdiction.

Accordingly, Petitioner's Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255 is DENIED.

IT IS SO ORDERED this 15<sup>th</sup> day of August, 2012.

/s/Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE

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<sup>6</sup>28 U.S.C. § 2244(b).

<sup>7</sup>*Boykin v. U.S.*, 242 F.3d 373 (8<sup>th</sup> Cir. 2000).