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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. JOSE G. CEBREROS, Defendant.	CASE NO. 01cr2788 JM CIVIL NO. 17cv2310 JM ORDER DISMISSING MOTION BROUGHT PURSUANT TO 28 U.S.C. §2255 FOR FAILURE TO OBTAIN CERTIFICATION FROM THE NINTH CIRCUIT

On November 14, 2017, Defendant Jose G. Cebreros filed a second Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. §2255 ("Motion").[1] As a prerequisite to bringing a second Motion, "[a] second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeal. . ." 28 U.S.C. §2255(h). Accordingly, the court dismisses the Motion for failure to obtain the required certification from the Ninth Circuit. The Clerk of Court is instructed to close the file.

IT IS SO ORDERED.

DATED: November 21, 2017

Hon. Jeffrey T. Miller
United States District Judge

[1] On February 23, 2011, the court denied Defendant's first Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. §2255. (ECF 69).

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cc: All parties