

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

WILLIAM PATRICK,
Petitioner,

v.

Case No. 3:14cv0034(WWE)

UNITED STATES OF AMERICA,
Respondent.

**RULING ON AMENDED PETITION
TO VACATE, SET ASIDE OR CORRECT SENTENCE**

Petitioner William Patrick has filed an amended petition pursuant to 28 U.S.C. § 2255 to vacate, set aside or correct his sentence. In a ruling dated June 13, 2017, this Court rejected petitioner's arguments raised in his prior petition, in which petitioner had argued that there was a violation of Brady v. Maryland, 373 U.S. 83 (1963); that he is actually innocent; that certain sentence enhancements were misapplied; and that there was ineffective assistance of counsel. This Court also declined to issue a Certificate of Appealability.

In accordance with 28 U.S.C. § 2244(b)(3), a petitioning-defendant must seek permission from the Second Circuit Court of Appeals before filing a second or successive application. A petition is considered to be second or successive if a prior petition raised claims regarding the same conviction or sentence and that petition was decided on the merits. Quezada v. Smith, 624 F.3d 514, 517 (2d Cir. 2010). Accordingly, a transfer pursuant to 18 U.S.C. § 1681 to the Second Circuit is the proper remedy for an uncertified successive § 2255 petition.

CONCLUSION

For the foregoing reasons, the Amended Petition to Vacate, Set Aside or Correct Sentence is transferred to the Second Circuit Court of Appeals.

Dated this 11th day of January, 2018 at Bridgeport, Connecticut.

/s/Warren W. Eginton
Warren W. Eginton
Senior United States District Judge