

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

ROBERT CURTIS COVINGTON,

Plaintiff,

v.

Case No: 8:16-cv-3371-T-30TBM

UNITED STATES OF AMERICA,


Defendant.

ORDER

THIS CAUSE comes before the Court on Petitioner's Motion to Vacate, Set Aside, or Correct Sentence (Doc. 1), filed pursuant to 28 U.S.C. section 2255. In his motion, Petitioner admits he filed a prior section 2255 petition. Petitioner also admits he applied to the Eleventh Circuit for leave to file a second section 2255 petition, which the Eleventh Circuit denied. (Doc. 1, pp. 6–7). Because Petitioner has not received authorization to file a second or successive habeas petition from the Eleventh Circuit, this Court lacks jurisdiction to consider his motion and it should be dismissed. *See United States v. Holt*, 417 F.3d 1172, 1175 (11th Cir. 2005) (“Without authorization [from the appropriate court of appeals, a] district court lacks jurisdiction to consider a second or successive petition.”).

Accordingly, it is ORDERED AND ADJUDGED that Petitioner’s Motion to Vacate, Set Aside, or Correct Sentence (Doc. 1) is DISMISSED without prejudice.

DONE and **ORDERED** in Tampa, Florida, this 19th day of December, 2016.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record