

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 14-22312-CIV-SEITZ

ANDRE WITHERSPOON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**ORDER DENYING MOTIONS AS UNAUTHORIZED SUCCESSIVE
§ 2255 PETITION AND CLOSING CASE**

THIS MATTER is before the Court *sua sponte*. On July 13, 2016, this Court entered its Order Transferring Case to Court of Appeals [DE-25]. In that Order, this Court noted that Petitioner's motion for reconsideration [DE-9], motion to amend with supplemental authority pursuant to *Johnson v. United States* [DE-12], and motion for leave to file a reply [DE-18] constituted a successive claim for relief under 28 U.S.C. § 2255. Accordingly, this Court transferred the case to the Eleventh Circuit Court of Appeals to determine whether Petitioner's claims merit the necessary authorization to file a successive petition under § 2255. The Court administratively closed this case pending a decision from the Eleventh Circuit. On August 16, 2016, the Eleventh Circuit denied Petitioner's application to file a successive § 2255 petition. Without this authorization, this Court cannot consider Petitioner's motions. Accordingly, it is

ORDERED that:

1. Petitioner's motion for reconsideration [DE-9], motion to amend with supplemental authority pursuant to *Johnson v. United States* [DE-12], and motion for leave to file a reply [DE-18] are DENIED.

2. This case is CLOSED.

DONE AND ORDERED in Miami, Florida, this 9th day of January, 2018.



PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE

cc: All counsel of record