

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 16-21850-CIV-SEITZ

JESUS BARRERA-AVILA,

Movant,

vs.

UNITED STATES OF AMERICA,

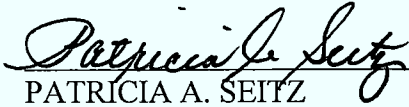
Respondent.

ORDER DISMISSING MOTION PURSUANT TO 28 U.S.C. § 2255 AS SUCCESSIVE

THIS CAUSE is before the Court on Movant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence By a Person in Federal Custody [DE 20], an Addendum thereto [DE 21], and the Government's Response [DE 22]. A review of the docket in this matter indicates that Movant's Motion is a second or successive petition under § 2255 and that Movant has not obtained the necessary authorization from the Eleventh Circuit required to file a successive petition. *See* 28 U.S.C. § 2255(h). Consequently, this Court lacks jurisdiction to consider Movant's Motion. *See Farris v. United States*, 333 F.3d 1211, 1216 (11th Cir. 2003) ("Without authorization, the district court lacks jurisdiction to consider a second or successive petition."). Accordingly, it is

ORDERED that Movant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence By a Person in Federal Custody [DE 20] is DISMISSED.

DONE AND ORDERED in Miami, Florida, this 1st day of November, 2018.



PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE

cc: All counsel of record/*Pro se* parties