

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 16-22499-CIV-GAYLES/TURNOFF**  
(Underlying Criminal Case No. 98-cr-00289)

**EDDIE MARSHALL,**

Movant,

vs.

**UNITED STATES OF AMERICA,**

Respondent.

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**ORDER DENYING MOTION TO CORRECT SENTENCE AND CLOSING CASE**

**THIS MATTER** is before the Court on Defendant Eddie Marshall's Motion to Correct Sentence Pursuant to 28 U.S.C. § 2255 [ECF No. 1]. Defendant sought leave from the Eleventh Circuit Court of Appeals to file a successive habeas petition in light of *Johnson v. United States*, 576 U.S. \_\_\_, 135 S. Ct. 2551 (2015), and *Welch v. United States*, 578 U.S. \_\_\_, 136 S. Ct. 1257 (2016). Prior to a decision on Defendant's application, Defendant filed the instant Motion in this Court (the successive habeas petition). The Court of Appeals has since denied Defendant's application for leave to file a successive habeas petition. Accordingly, this Court lacks jurisdiction to consider Defendant's successive habeas petition. *Farris v. United States*, 333 F.3d 1211, 1216 (11th Cir. 2003). Therefore, it is

**ORDERED AND ADJUDGED** that:

1. Eddie Marshall's Motion to Correct Sentence [ECF No. 1] is **DENIED**.
2. The Clerk of the Court is directed to administratively **CLOSE** the case, and any pending motions are **DENIED as moot**.

**DONE AND ORDERED** in Chambers at Miami, Florida, this 29th day of July, 2016.

  
DARRIN P. GAYLES  
UNITED STATES DISTRICT JUDGE

cc: Magistrate Judge Turnoff  
Counsel of Record