

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 16-23898-CIV-SEITZ

NEHGUI COX,

Movant,

vs.

UNITED STATES OF AMERICA,

Respondent.

/

ORDER DENYING MOTIONS

THIS CAUSE is before the Court on the Movant's Motion to Notice this Court to Reopen the New Civil Case and Lift the Stay [DE-7] and Movant's Motion to Add on to Notice this Court to Reopen the New Civil Case and Lift Stay [DE-8]. By prior Order [DE-5] this Court construed Movant's Motion [for] Reconsideration to Modify/Reduce Term of Imprisonment [DE-1] as a motion made pursuant to 28 U.S.C. § 2255. The Court also noted that his motion would constitute a successive petition under § 2255 and he had not sought leave of the Eleventh Circuit to file a successive petition. Instead of dismissing the case, the Court stayed the case pending the Supreme Court's decision in *Beckles v. United States*. The Supreme Court has issued its decision in *Beckles* and Movant now seeks leave from this Court to file a successive petition and reopen the case. This Court cannot grant leave to file a successive § 2255 petition; such relief must be granted by the Eleventh Circuit. *See* 28 U.S.C. § 2255(h). Until such relief has been granted by the Eleventh Circuit, this Court lacks jurisdiction to address Movant's Motion for Reconsideration. Accordingly, it is

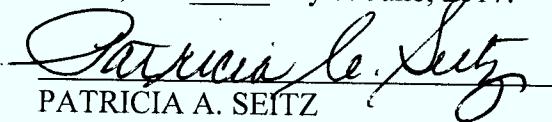
ORDERED that:

(1) Movant's Motion to Notice this Court to Reopen the New Civil Case and Lift the Stay [DE-7] is DENIED.

(2) Movant's Motion to Add on to Notice this Court to Reopen the New Civil Case and Lift Stay [DE-8] is DENIED.

(3) If Movant does not obtain authorization from the Eleventh Circuit to file a successive § 2255 petition by **September 30, 2017**, the Court will dismiss Movant's Motion [DE-1] as an unauthorized successive § 2255 petition.

DONE AND ORDERED in Miami, Florida, this 7th day of June, 2017.


PATRICIA A. SEITZ
UNITED STATES DISTRICT JUDGE

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