

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

FILED
CLERK OF COURT
BRUNSWICK, GA

2006 JUL 13 P 2 34



EDWARD BESS, SR.,
Petitioner,

vs.

UNITED STATES OF AMERICA,
Respondent.

CIVIL ACTION NO.: CV206-163
(Case No: CR204-36)

ORDER

Petitioner, an inmate incarcerated at Rivers Correctional Institution in Winton, North Carolina, was indicted in October 2004 on charges of possession of a firearm by a convicted felon and armed career criminal in Case Number CR204-36. An attorney was appointed to represent Bess. Bess entered a plea of guilty on April 6, 2005, and on October 21, 2005, he was sentenced to serve 180 months' incarceration, one year supervised release with special conditions, and pay a special assessment of \$100.00. On October 25, 2005 Bess filed a Notice of Appeal to the Eleventh Circuit Court of Appeals. That appeal is pending. On July 10, 2006, Petitioner filed this Motion to Vacate pursuant to 28 U.S.C. § 2255. Because the appeal in the criminal case is still pending, this Court is without jurisdiction to consider Petitioner's section 2255 motion. Accordingly, this action is **dismissed** without prejudice.

SO ORDERED, this 18 day of July, 2006.


JUDGE, UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA