

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF ILLINOIS  
ROCK ISLAND DIVISION**

HARRY EDWIN MILES, )  
)  
Petitioner, )  
)  
v. )  
)  
UNITED STATES OF AMERICA, )  
)  
Respondent. )  
)  
)

Case No. 12-cv-4081

**ORDER & OPINION**

Petitioner filed a document entitled “Request for Proof(s) of Claim from the United States Attorney” on August 27, 2012. (Doc. 1). The document details various assertions that this Court did not have jurisdiction over the criminal case, 05-cr-40051, which resulted in his conviction.<sup>1</sup> Therefore, it was characterized as a motion for relief under 28 U.S.C. § 2255, challenging incarceration based on the ground that “the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence.”<sup>2</sup> 28 U.S.C. § 2255(a).

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<sup>1</sup> The grounds include that the relevant law was not lawfully enacted by Congress because there was not a quorum present, that the United States is a corporation and does not have the power to prosecute individuals, and that citizens are not subject to statutory jurisdiction under the Constitution.

<sup>2</sup> When recharacterizing a motion as a *first* § 2255 motion, a court must notify and warn the litigant. *Castro v. United States*, 540 U.S. 375, 384 (2003). However, as noted below, this is a second or successive § 2255 motion. As such, no notice is required as no legal entitlement is lost by the characterization. *Melton v. United States*, 359 F.3d 855, 857 (7th Cir. 2004).

Petitioner has filed previous § 2255 motions with this Court based on this conviction. (08-cv-4058, Doc. 1; 05-cr-40051 Doc. 123 (construed as collateral attack under § 2255 as noted in 05-cr-40051 Doc. 138)). Under § 2255(h), successive motions must first be certified by the Court of Appeals. Petitioner has made no showing that he has obtained the requisite certification. Therefore, the present motion must be dismissed as an unauthorized successive motion under § 2255, over which this Court does not have subject-matter jurisdiction.

IT IS THEREFORE ORDERED that Petitioner's Motion under 28 U.S.C. § 2255 (Doc. 1) is DISMISSED FOR WANT OF JURISDICTION.

CASE TERMINATED.

Entered this 7th day of September, 2012.

s/ Joe B. McDade  
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JOE BILLY McDADE  
United States Senior District Judge