

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

BRYAN SCOTT GARRETT,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

Case No. 13-cv-1241-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on petitioner Bryan Scott Garrett's motion pursuant to 28 U.S.C. § 2255 (Doc. 1). In April 2001, a jury found Garrett guilty of (1) Count One - conspiracy to manufacture methamphetamine; (2) Count Two - being a felon in possession of a firearm; (3) Count Three - possession of materials used to manufacture methamphetamine; and (4) Count Four - maintaining a place to manufacture methamphetamine. *See United States v. Garrett*, Case No. 00-cr-40013-JPG, Docs. 202, 204-06. The undersigned judge sentenced Garrett to a total term of 432 months imprisonment as follows: 432 months on Count One, 120 months on Count Two, and 240 months on Counts Three and Four, all counts to run concurrent with each other. Doc. 229 in criminal case.

Garrett now seeks relief from his sentence, arguing that *Descamps v. United States*, 133 S. Ct. 2276 (2013) applies to his case. This is not Garrett's first attempt to obtain relief from his sentence. The Court has previously denied Garrett's § 2255 motions and a petition for writ of error coram nobis. *See Garrett v. United States*, Case No. 12-cv-859-JPG; *Garrett v. United States*, Case No. 06-cv-266-JPG; *Garrett v. United States*, Case No. 03-cv-4118-JPG. As the Court previously instructed Garrett, this Court cannot consider his successive § 2255 motion unless the Seventh Circuit Court of Appeals certifies it pursuant to 28 U.S.C. § 2255, ¶ 8. *Curry*

*v. United States*, 507 F.3d 603, 604 (7th Cir. 2007), *cert. denied*, 128 S. Ct. 2925 (2008); *Nunez v. United States*, 96 F.3d 990, 991 (7th Cir. 1996). The Court of Appeals has not made such a certification. Therefore, the Court does not have jurisdiction to consider Garrett's § 2255 motion (Doc. 1). The Court **DISMISSES** Garrett's motion (Doc. 1) for **lack of jurisdiction** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED:** December 5, 2013

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**