

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

ESSIL A. ROGERS,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No.: 14-cv-00375-JPG
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This matter comes before the Court on petitioner Essil A. Rogers’ Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 1). This motion was filed by Petitioner, pro se, and the Government has not filed written responses to this motion. For the following reasons, the Court denies the motion.

On August 18, 1999, Petitioner was found guilty, by jury trial, of knowingly and intentionally conspiring with other persons to knowingly and intentionally distribute and possess with intent to distribute, a mixture of substance containing cocaine base, commonly referred to as "crack cocaine," a Schedule II narcotic Controlled Substance, in violation of Title 21, USC, Section 841(a)(1), all in violation of Title 21, USC Section 846. The Petitioner was sentenced on August 11, 2000, to imprisonment for period of 240 months, supervised release for a term of 10 years, a special assessment of \$100 and a fine of \$500. Petitioner appealed and on June 26, 2001, the Appellate Court affirmed the decision of this Court.

Petitioner filed a previous § 2255 (Doc. 1, Case No. 02-cv-04129) on June 27, 2002, and that Motion was denied on December 5, 2003. In order for this Court to consider a successive petition, the Seventh Circuit Court of Appeals must certify the successive petition pursuant to 28

U.S.C. § 2255(h). *Curry v. United States*, 507 F.3d 603, 604 (7th Cir. 2007); *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 Petitioner's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 (Doc. 1) and **DISMISSES** it for **lack of jurisdiction**.

**IT IS SO ORDERED.**

**DATED:** 10/20/2014

s/J. Phil Gilbert  
**J. PHIL GILBERT**  
**United States District Judge**