

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

RONALD WASHINGTON,

Petitioner,

v.

No. 14-933-DRH

UNITED STATES OF AMERICA,

Respondent.

ORDER

Defendant Ronald Washington filed a motion under Fed.R.Civ.P. 60(b) seeking to have the judgment of conviction vacated on the basis that his criminal conviction is void for want of jurisdiction (Doc. 32).¹ Defendant relies upon a Seventh Circuit opinion that held magistrate judges do not have statutory authority under the Federal Magistrates Act to accept felony guilty pleas. *See United States v. Harden*, 758 F.3d 886, 888 (7th Cir. 2014).²

Washington's motion reasserts a challenge to the validity of his criminal conviction and does not challenge any procedural defect in the Habeas

¹ Washington filed an identical motion in his related criminal case (12-30059-DRH Doc. 70). That motion was dismissed for lack of jurisdiction (12-30059-DRH Doc. 74).

² Washington raised *Harden* based arguments in his 2255 petition. The petition was dismissed with prejudice on September 21, 2015. Thereafter, *Harden* appealed. On July 8, 2016, the Seventh Circuit issued a mandate denying Washington's petition for rehearing and declining to issue a certificate of appealability (finding no substantial showing of the denial of a constitutional right).

proceeding. As such, the motion is subject to dismissal for lack of jurisdiction as an unauthorized successive postconviction claim. See *Curry v. United States*, 507 F.3d 603, 604 (7th Cir. 2007); *Arrieta v. Battaglia*, 461 F.3d 861, 864 (7th Cir. 2006); *United States v. Scott*, 414 F.3d 815 (7th Cir. 2005).

Accordingly, the Court does not have jurisdiction to consider the defendant's motion (Doc. 32) and **DISMISSES** it for lack of jurisdiction.

SO ORDERED.

Signed this 28th day of July, 2016.

Digitally signed by
Judge David R.
Herndon
Date: 2016.07.28
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United States District Judge