

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

ROBERT E. DIETRICH,)	
)	
PETITIONER,)	
)	
vs.)	CAUSE No. 3:10-CV-84-RLM
)	(ARISING OUT OF 3:09-CR-25)
UNITED STATES OF AMERICA,)	
)	
RESPONDENT.)	

OPINION and ORDER

In April 2010, the court denied Robert E. Dietrich's 28 U.S.C. § 2255 motion. The court denied his notice of appeal, construed as a motion for certificate of appealability, his later motion for certificate of appealability, and his motion to proceed on appeal *in forma pauperis* because the appeal wasn't taken in good faith. The court of appeals found no substantial showing of the denial of a constitutional right and denied Mr. Dietrich's request for a certificate of appealability and his motions to proceed *in forma pauperis* and for appointment of counsel. In 2012, Mr. Dietrich filed a second motion pursuant to 28 U.S.C. § 2255. That motion was filed without a certificate of appealability, so the court denied the motion as not properly before the court.

In late 2013, Mr. Dietrich filed a third 28 U.S.C. § 2255 motion that he characterized as a motion pursuant to Federal Rule of Civil Procedure 60(b)(6) to vacate the court's judgment denying his original § 2255 motion. Mr. Dietrich's motion again hadn't been certified by the court of appeals, and consequently the court dismissed the motion. He now wants to appeal that

