

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

KHOI VAN HA,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

No. C 11-4012-MWB

**ORDER REGARDING
PETITIONER'S *PRO SE* MOTION
FOR RECONSIDERATION**

This case is before me on petitioner Khoi Van Ha's *Pro Se* Motion For Reconsideration (docket no. 18) (Motion), filed on May 11, 2012. In his Motion, Ha argues that I should reconsider my prior dismissal of his § 2255 Motion (docket no. 1), because he received ineffective assistance of counsel from the attorney who was appointed to represent him. Motion at 2-3. Ha seeks to have me reconsider my previous Memorandum Opinion and Order, and Judgment (docket nos. 7 & 8), denying him §2255 relief, or in the alternative seeks the issuance of a certificate of appealability. Motion at 3. The respondent has not filed a response to Ha's Motion.

Ha previously filed a Motion To Vacate Judgment (docket no 15) on March 26, 2012. Ha sought to have me vacate my prior denial of his § 2255 motion on the ground that his habeas counsel had never communicated with him and had filed a supplemental brief without consent or consultation. Motion to Vacate, at 2-3. On May 1, 2012, I entered an Order (docket no. 17), denying Ha's Motion to Vacate, after construing it as a Rule 60(b) motion, and finding that it was, in effect, a successive § 2255 motion.

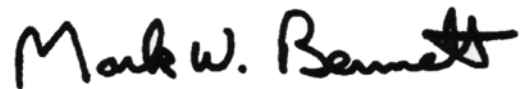
Even though Ha has asked that his current motion be construed differently, he has alleged no different grounds for reconsideration than he stated in his prior Motion to

Vacate. For all the reasons discussed in my prior Order (docket no. 17), disposing of that motion, I determine that Ha's Motion For Reconsideration is again a successive § 2255 motion for which he has failed to obtain authorization from the Eighth Circuit Court of Appeals. *See United States v. Lambros*, 404 F.3d 1034, 1036 (8th Cir. 2005).

THEREFORE, Ha's May 11, 2012 *Pro Se* Motion For Reconsideration (docket no.18) is **denied and dismissed** in its entirety, and no certificate for appealability will issue.

IT IS SO ORDERED.

DATED this 27th day of November, 2012.



MARK W. BENNETT
U. S. DISTRICT COURT JUDGE
NORTHERN DISTRICT OF IOWA