

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION

## **MEMORANDUM AND ORDER**

This matter is before the Court on movant's motion to vacate, set aside, or correct sentence under 28 U.S.C. § 2255. The Court will summarily dismiss the motion because it is successive.

On July 30, 2007, after movant pled guilty to distributing cocaine base, the Court sentenced movant to 151 months' imprisonment and three years of supervised release. Movant did not file an appeal. United States v. Jennings, 1:07CR10 ERW (E.D. Mo. 2007).

Movant filed his first motion to vacate pursuant to 28 U.S.C. § 2255 on June 15, 2009. Jennings v. United States, 1:09CV80 ERW (E.D. Mo. 2009). The motion was dismissed as time-barred, and the United States Court of Appeals for the Eighth Circuit denied movant's application for a certificate of appealability on December 30, 2009. Jennings v. United States, No. 09-2880 (8th Cir. 2009).

Movant filed a second motion to vacate on January 11, 2012. Jennings v. United States, 1:12CV08 ERW (E.D. Mo. 2012). It was dismissed as successive, and movant did not appeal the dismissal. And movant filed a third motion to vacate August 23, 2013. Jennings v. United

States, 1:13CV122 ERW (E.D. Mo. 2013). It was also dismissed as successive, and movant did not file an appeal.

Under § 2255(h), movant must receive authorization from the Court of Appeals before he can file a successive motion to vacate in this Court. Because he has not received the necessary authorization, the Court will dismiss this action without further proceedings.

Finally, movant has failed to demonstrate that jurists of reason would find it debatable whether this action is successive. Thus, the Court will not issue a certificate of appealability. 28 U.S.C. § 2253(c).

Accordingly,

**IT IS HEREBY ORDERED** that this action is **DISMISSED**.

An Order of Dismissal will be filed separately.

So Ordered this 6<sup>th</sup> day of October, 2014.



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E. RICHARD WEBBER  
SENIOR UNITED STATES DISTRICT JUDGE