

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GERALD D. HOPKINS,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent,

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No. 4:97CV00958 ERW

MEMORANDUM AND ORDER

This matter is before the Court on movant’s motion for relief from judgment. Movant alleges that he has newly discovered evidence that shows that he is actually innocent, and he seeks to vacate his judgment and sentence. The motion is denied because movant cannot present a new claim for postconviction relief unless he first obtains permission from the Court of Appeals to file a successive motion to vacate. 28 U.S.C. § 2255(h)(1).

Accordingly,

IT IS HEREBY ORDERED that movant’s motion for relief from judgment [ECF No. 65] is **DENIED**.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

So Ordered this 22nd day of January, 2015.



E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE