

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

JEFFREY TODD BLACKWELL,)	
)	
Movant,)	
)	
v.)	No. 4:99-CV-1687 CAS
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

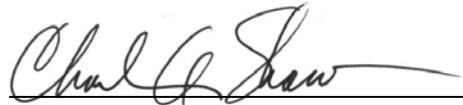
This closed matter under 28 U.S.C. § 2255 is before the Court on movant’s Motion for Relief from Order and Judgment Pursuant to Federal Rule of Civil Procedure 60(b)(4). This is the fifth post-dismissal motion movant has filed in this matter. The instant motion seeks to reopen a prior post-judgment motion under Rule 60(b)(4) and raise once again issues the Court has addressed, in particular the denial of an evidentiary hearing on Ground Three of the original § 2255 motion.

On October 14, 2009, the Court dismissed movant’s previous motion under Rule 60(b)(4), Fed. R. Civ. P., on the basis that it was a second or successive § 2255 motion for which movant did not obtain prior authorization from the Eight Circuit Court of Appeals. See Mem. and Order of Oct. 14, 2009 (Doc. 73). “It is well-established that inmates may not bypass the authorization requirement of 28 U.S.C. § 2244(b)(3) for filing a second or successive . . . § 2255 action by purporting to invoke some other procedure.” United States v. Lambros, 404 F.3d 1034, 1036 (8th Cir.) (per curiam), cert. denied, 545 U.S. 1135 (2005) (cited cases omitted). The instant motion is similarly a second or successive § 2255 motion, for which movant did not obtain prior authorization from the Eighth Circuit.

Accordingly,

IT IS HEREBY ORDERED that the Motion for Relief from Order and Judgment Pursuant to Federal Rule of Civil Procedure 60(b)(4) is **DENIED**. [Doc. 78]

IT IS FURTHER ORDERED that any future motion filed by movant in this case will be summarily denied, unless movant has obtain prior authorization for its filing from the Eighth Circuit Court of Appeals.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 1st day of April, 2010.