

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                           |   |                          |
|---------------------------|---|--------------------------|
| PHELIX HENRY FRAZIER,     | ) |                          |
|                           | ) |                          |
| Petitioner,               | ) |                          |
|                           | ) |                          |
| vs.                       | ) | Case No. 4:03CV01060 ERW |
|                           | ) |                          |
| UNITED STATES OF AMERICA, | ) |                          |
|                           | ) |                          |
| Respondent.               | ) |                          |

**MEMORANDUM AND ORDER**

This matter comes before the Court on Petitioner’s request for “Leave to File a Application for Certificate of Appealability Instanter” [doc. #60]. In a Memorandum and Order dated January 27, 2009, the Court found that Petitioner had filed three successive § 2255 motions. The Court determined that Petitioner’s pattern of filing frivolous and improper motions in this case was an abuse of this Court’s resources, and stated that the Court will no longer allow Petitioner to file any motions in this case without first obtaining leave of Court. The Court stated that any motion for relief in this case must be accompanied by a request for leave of Court to file such motion and an affidavit that sets forth the legal and factual basis for such motion.

Plaintiff has subsequently filed with the Court two such requests for relief, including the pending Request. The Court has reviewed Petitioner’s Request, affidavit, notice of appeal, and application for certificate of appealability, and it is clear that Petitioner does not present any new arguments or facts warranting granting his Request. Additionally, Petitioner’s repetitious filing of motions and requests in this case indicates that additional action is necessary. *See Roath v. Dormire*, 2007 WL 2428080, at \*1 (E.D. Mo. August 21, 2007). As a result, the Court will direct the Clerk of Court not to accept any additional filings in this action and Petitioner is directed to address all future pleadings to the Eighth Circuit Court of Appeals.


Accordingly,

**IT IS HEREBY ORDERED** that Petitioner's Request for Leave to File a Application for Certificate of Appealability Instanter [doc. #60] is **DENIED**.

**IT IS FURTHER ORDERED** that the Clerk of Court shall not accept any additional filings in this action.

**IT IS FURTHER ORDERED** that Petitioner shall direct all future pleadings to the Eighth Circuit Court of Appeals.

Dated this 28th Day of August, 2009.

  
E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE