

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

KENNETH SIMPSON,)

Movant,)

No. 4:11CV2058 RWS

UNITED STATES OF AMERICA,)

Respondent,)

MEMORANDUM AND ORDER

This matter is before me on movant’s pro se motion for new proceedings and motion for recusal. Both motions are frivolous.

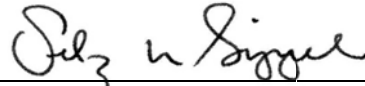
Movant does not believe that I should have been assigned to hear his § 2255 motion because I was assigned to his criminal action. Movant is incorrect. Title 28 U.S.C. § 2255 “clearly permits and requires the attack on a federal sentence to be made in the sentencing court absent a showing that such court has denied relief or that the remedy under § 2255 is inadequate or ineffective to test the validity of the detention.” Humphries v. Ciccone, 428 F.2d 477, 478 (8th Cir. 1970); see Farrow v. United States, 580 F.2d 1339, 1349 (9th Cir. 1978) (“motions under [§ 2255] are properly presented to the original sentencing judge.”). Regardless, this action is closed, and the judgment is final. As a result, both motions are denied with prejudice.

Accordingly,

IT IS HEREBY ORDERED that movant's pro se motion for new proceedings [ECF No. 56] and motion for recusal [ECF No. 57] are **DENIED**.

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

Dated this 28th day of February, 2014.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE