

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

VALERIE R. ROSS,)	
)	
Movant,)	
v.)	No. 4:12CV1013 JCH
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on Movant Valerie R. Ross’s Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody. (ECF No. 1). The Motion is ready for disposition.

Ross pled guilty on May 31, 2011 to one count of conspiracy to possess pseudoephedrine with the intent to manufacture methamphetamine, in violation of 21 U.S.C. §§ 841(c)(1) and 846. (Plea Agreement, Case No. 10-cr-660, ECF No. 126, at 2-3). As part of the Plea Agreement, Ross agreed “to waive all rights to contest the conviction or sentence in any post-conviction proceeding, including one pursuant to Title 28, United States Code, Section 2255, except for claims of prosecutorial misconduct or ineffective assistance of counsel.” *Id.* at 7. Ross was sentenced to a term of imprisonment of 46 months. (Judgment, Case No. 10-cr-660, ECF No. 203, at 2).

Ross states the following as grounds for relief under § 2255: “I’ve been in prison now for 9 months. I’ve learned my lesson. I have a 10 yr. old son who has a very serious seizure disorder, he needs me at home. I cooperated with all authorities and was completely honest . . . I’ve never been in trouble before.” (Supplement to Motion, ECF No. 1-1). For these reasons, Ross asks the Court to reconsider her sentence. *Id.*

Stated briefly, Ross has presented the Court with nothing that could qualify as grounds for relief under § 2255. See § 2255(a) (stating that relief may be granted to a prisoner in federal custody when “the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack”). And even if the reasons she provides were cognizable under § 2255, they are not claims of ineffective assistance of counsel or prosecutorial misconduct and therefore have been waived pursuant to the Plea Agreement.

Accordingly,

IT IS HEREBY ORDERED that Movant Valerie R. Ross’s Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody, (ECF No. 1), is **DENIED** and **DISMISSED WITH PREJUDICE**. A separate order of dismissal will accompany this Memorandum and Order.

IT IS FURTHER ORDERED that, because Ross cannot make a substantial showing of the denial of a constitutional right, the Court will not issue a certificate of appealability. See 28 U.S.C. § 2253(c).

Dated this 22nd Day of April, 2015.

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE