

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

BRADLEY HODGE,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 4:12CV02191 ERW
	)	
UNITED STATES OF AMERICA,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

Before the Court is petitioner’s second motion for reconsideration of this Court’s dismissal of his application for writ of audita querela.

In his motion for reconsideration, petitioner requests that the Court review its decision in light of the Supreme Court’s recent case of Moncrieffe v. Holder, 133 S.Ct. 1678 (2013). Contrary to petitioner’s assertions, the Supreme Court’s application of Carachuri-Rosendo v. Holder, 130 S.Ct. 2577 (2010), in Moncrieffe, does not restart the clock on the arguments in his petition for writ of audita querela. Moreover, this Court finds that the holding in Moncrieffe has no bearing on petitioner’s application for writ of audita querela, and it declines to reconsider the dismissal of the application for writ.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner's second motion for reconsideration of this Court's dismissal of his application for writ of audita querela [ECF No. 18] is **DENIED**.

**IT IS FURTHER ORDERED** that the Court declines to issue petitioner a Certificate of Appealability.

**IT IS FURTHER ORDERED** that petitioner will not be allowed to file any additional pleadings in this closed case unless said pleadings relate directly to an Appeal.

So Ordered this 30th day of May, 2013.



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E. RICHARD WEBBER  
SENIOR UNITED STATES DISTRICT JUDGE