

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ANTHONY OWENS,)
)
 Movant,)
)
 vs.) Case No. 4:13CV2561 CDP
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
)

MEMORANDUM AND ORDER

Movant Anthony Owens pleaded guilty to two counts of being an accessory after the fact and to murder in aid of racketeering under 18 U.S.C. § 1959(a)(1) and § 3. Case No. 4:11CR246CDP. I sentenced him to 102 months imprisonment followed by three years of supervised release. He did not appeal. Owens then filed this case under 28 U.S.C. § 2255, seeking to vacate, set aside, or correct his sentence. The main thrust of his argument was that the court lacked jurisdiction over him because the murders were committed in other states, and that his counsel was ineffective for not advising him that he should not plead guilty because of the supposed jurisdictional defect. I rejected all his claims in a Memorandum and Order [docket entry # 35] and entered judgment against him on July 8, 2015. I also declined to issue a certificate of appealability.

Owens filed a notice of appeal on August 17, 2015. The Court of Appeals has entered an order indicating that it will hold the appeal in abeyance pending this Court's ruling on the various post-judgment motions filed by Owens. The pending motions are (with docket entry numbers):

- 37 – filed July 27, 2015: Motion and Memorandum to alter or amend judgment pursuant to Rule 59(e)
- 38 – filed August 7, 2015: Motion to Withdraw previous motion to alter or amend
- 39 – filed August 7, 2015: Motion and Memorandum to alter or amend judgment
- 45 – filed November 9, 2015: Supplemental Motion to alter or amend judgment
- 46 – filed November 30, 2015: Pro se Motion of Bias or Prejudice of Judge

I will grant Owens' motion to withdraw his initially filed motion to alter or amend, and will deny all the other motions on the merits. Nothing has been presented that leads me to believe that there is any error in the facts or law set out in my Memorandum and Order dated July 8, 2015. Owens has not argued or presented any new evidence, nor has he shown that there was any manifest error of law. He disagrees with my decision in this case. The appropriate remedy is for

him to seek to appeal the decision, as there is no basis for me to alter or amend the judgment.

Owens' motion of "Bias or Prejudice of Judge" argues that I must have been prejudiced against him because I ruled against him. He also argues, without any evidence, that I was somehow working with the prosecution. There is no basis for these arguments. I will deny the motion for Bias or Prejudice.

Accordingly,

IT IS HEREBY ORDERED that movant's motion to withdraw [#38] is granted and motion # 37 is deemed withdrawn.

IT IS FURTHER ORDERED that movant's second motion to alter or amend judgment [#39], his Supplemental Motion to alter or amend judgment [#45] and his Motion of Bias or Prejudice [#46] are denied.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 16th day of December, 2015.