

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

KENNETH ROBERT SIMPSON,)	
)	
Movant,)	
)	
)	No. 4:14CV392 RWS
)	
UNITED STATES OF AMERICA,)	
)	
Respondent,)	

MEMORANDUM AND ORDER

This matter is before me on movant’s successive motion to vacate under 28 U.S.C. § 2255. I will summarily deny the motion.

Movant pled guilty to receipt and possession of child pornography pursuant to a plea agreement with the government. United States v. Simpson, 4:10CR169 RWS (E.D. Mo.). He filed a § 2255 motion, which I denied. Simpson v. United States, 4:11CV2058 RWS (E.D. Mo.). He requested a certificate of appealability from the Court of Appeals, and his request was denied. After the Court of Appeals denied his request for a certificate of appealability, movant attempted to attack the validity of the judgment in the earlier § 2255 action by challenging the fact that the case had been assigned to me, the sentencing judge. I denied the challenge, noting that § 2255 cases are commonly and appropriately assigned to the sentencing judge.

Now movant has filed a second § 2255 motion arguing that his plea was involuntary because his attorney and I misled him and coerced him into pleading guilty. Before a second or successive § 2255 application can be filed in the district court, however, the applicant must first obtain permission in the Court of Appeals. See 28 U.S.C. § 2244(b)(3); § 2255(h). As a result, I will dismiss this action without prejudice.

Additionally, neither myself nor counsel for movant threatened or coerced him into pleading guilty. He did it knowingly and willingly. Now he has buyer's remorse and wishes he could take it back, but he cannot. His conviction is final, and the judgment in is § 2255 case is final.

Finally, movant has failed to demonstrate that jurists of reason would find it debatable whether the petition is successive. Thus, I will not issue a certificate of appealability. 28 U.S.C. § 2253(c).

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice.

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

A separate Order of Dismissal will be filed forthwith.

Dated this 7th day of March, 2014.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE