

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

JERRY H. COOLEY,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent,

No. 4:14CV1079 RWS

MEMORANDUM AND ORDER

Movant seeks to vacate his 180-month sentence for robbery of a federally insured institution under 28 U.S.C. § 2255. Movant is not entitled to relief.

Movant pled guilty on July 14, 2010. United States v. Cooley, 4:10CR205 RWS. In his plea agreement, he expressly waived his right to contest the judgment in a collateral proceeding, including a § 2255 motion. I sentenced movant on October 1, 2010. Movant did not appeal.

Voluntary waivers of postconviction rights are enforceable. DeRoo v. United States, 223 F.3d 919, 923 (8th Cir. 2000). Movant has not made any allegations that suggest the waiver should not be enforced. Moreover, the limitations period expired in October 2011. As a result, movant may not obtain relief on the motion.

Finally, movant has not met the burden for obtaining a certificate of appealability under 28 U.S.C. § 2253(c).

Accordingly,

IT IS HEREBY ORDERED that the motion to vacate under § 2255 is **DISMISSED**.

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

Dated this 13th day of June, 2014.

A handwritten signature in cursive script, appearing to read "Rodney W. Sippel", written in black ink.

RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE