

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

TERRICK WILLIAMS,)	
)	
Movant,)	
)	
v.)	No. 4:16-CV-33 RWS
)	
UNITED STATES OF AMERICA,)	
)	
Respondent,)	

MEMORANDUM AND ORDER

Before the Court is movant's request for authorization to file a successive habeas petition. Because this Court lacks jurisdiction to grant movant's request, the motion will be denied.

Movant filed the instant motion to vacate on January 8, 2016, seeking relief from his conviction and sentence pursuant to 28 U.S.C. § 2255.¹ In his motion, movant claimed that the Supreme Court case of *Johnson v. United States*, 135 S.Ct. 2551 (2015), decided in June of 2015, should be applied to his case in order to reduce his sentence. The motion was a second or successive motion within the meaning of 28 U.S.C. §§ 2244 & 2255 that had not been certified by the United States Court of Appeals for the Eighth Circuit as required by the AEDPA. 28 U.S.C. §§ 2244 & 2255. Accordingly, on January 12, 2016, this Court transferred movant's action to the Eighth Circuit, for review of his motion to vacate, wherein movant supplemented

¹Movant was charged with one count of carjacking and one count of attempted carjacking, violations of 18 U.S.C. § 2119 (1994), two counts of being a felon in possession of a firearm, a violation of 18 U.S.C. § 922(g)(1) (1994), and two counts of using a firearm during a crime of violence, a violation of 18 U.S.C. § 924(c)(1) (1994), in relation to two carjacking incidents that occurred in 1995. *United States v. Williams*, 4:96CR00187 RWS (E.D.Mo. 1997). Movant's first trial ended in a hung jury, but he was retried and a second jury convicted him on all counts. The Court sentenced him to 450 months' imprisonment. The Eighth Circuit Court of Appeals affirmed his conviction on February 10, 1998. See *United States v. Williams*, 136 F.3d 547 (8th Cir. 1998).

his petition to seek permission to file a successive habeas corpus. See *Williams v. United States*, No. 16-1153 (8th Cir. 2016). The Court of Appeals denied movant's request for certification on October 13, 2016. *Id.*

This Court simply lacks jurisdiction to grant movant's second request for authorization to seek a successive habeas petition. Therefore, the Court must deny movant's motion. If movant wishes to seek a successive motion to vacate, he must first seek permission from the Eighth Circuit Court of Appeals. See 28 U.S.C. §§ 2244 & 2255.

Accordingly,

IT IS HEREBY ORDERED that movant's motion for certification to seek a successive habeas in this Court [Doc. #14] is **DENIED**.

Dated this 3rd day of May, 2018.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE