

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

DONALD STEWART,)	
)	
Movant,)	
)	
v.)	No. 4:20 CV 1880 CDP
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before me on movant’s latest motion to again amend his case and “hold it in abeyance” for sixty days so that he may file an amended § 2255 motion. Once again, movant has not presented the Court with a proposed amended § 2255 motion, so the Court cannot yet determine whether leave to amend should be granted. As I have explained, the Court does not issue preemptive rulings. If movant properly seeks leave to amend his § 2255 motion, the Court will provide respondent with the opportunity to respond and then rule on the motion. But until such a motion is filed, the issue is not properly before the Court and it cannot issue a ruling with respect to any proposed amendments. Movant’s request for a certificate of appealability is denied.

Accordingly,

IT IS HEREBY ORDERED that the motion to stay and alternative request for a certificate of appealability [10] are denied.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 28th day of April, 2021.