

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW HAMPSHIRE

Kermit Ceasar

v.

Civil No. 07-196-JD

United States of America

O R D E R

Defendant has filed a motion to enforce a plea agreement in Case No. 02-cr-22-01-JD. He is seeking to withdraw his plea or to be resentenced in accordance with his understanding of the plea agreement.

This motion is in effect a petition brought pursuant to 28 U.S.C. § 2255. On February 17, 2004, the defendant filed a § 2255 petition in Case No. 04-cv-58-JD in which he claimed that the government breached the plea agreement and his counsel was ineffective in Case No. 02-cv-22-01-JD. That petition was dismissed by order of the court dated May 12, 2004, a copy of which is attached hereto. The court declined to issue a certificate of appealability and on appeal his request for a certificate was denied on February 9, 2005 (Court of Appeals Docket #04-1885).

The instant motion is a second or successive petition and must be filed in the Court of Appeals. 28 U.S.C. § 2255. Therefore, the petition is dismissed.

SO ORDERED.

  
Joseph A. DiClerico, Jr.  
United States District Judge

June 29, 2007

Attachment

cc: Kermit Ceasar, pro se