

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:99-CV-00152-RLV
(5:97-CR-00001-RLV-1)

SEAN LAMONT DUDLEY,)
)
 Petitioner,)
)
 v.)
)
 UNITED STATES OF AMERICA,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before the Court on consideration of Petitioner’s pro se motions for relief from judgment or motions to amend judgment and his motion for leave to file an amendment. (Doc. Nos. 74, 75 and 76). The Court recently dismissed Case No. 5:14-CV-43-RLV after finding that the motion for relief was in fact an unauthorized, successive § 2255 motion, and to date this Court has dismissed several such motions for relief as unauthorized, successive § 2255 motions. See (5:97-CR-00001, Doc. Nos. 158, 162, and 164).

As has been explained time and again, Petitioner may not seek relief from his criminal judgment in a habeas proceeding based on the arguments that he has continually presented unless he first obtains authorization from the Fourth Circuit to file a successive § 2255 motion and he has never presented any evidence that he has obtained such permission. See 28 U.S.C. § 2255(h). For the foregoing reasons, the Court denies Petitioner’s motions in Document Nos. 74 through 76.

IT IS, THEREFORE, ORDERED that Petitioner’s motions to alter, amend or correct judgment are **DENIED**. (Doc. Nos. 74, 75, and 76).

IT IS FURTHER ORDERED that pursuant to Rule 11(a) of the Rules Governing Section 2255 Cases, this Court declines to issue a certificate of appealability as Petitioner has not made a substantial showing of a denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Miller-El v. Cockrell, 537 U.S. 322, 336-38 (2003) (stating that in order to satisfy § 2253(c), a petitioner must demonstrate that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong); Slack v. McDaniel, 529 U.S. 474, 484 (2000) (holding that when relief is denied on procedural grounds, a petitioner must establish both that the correctness of the dispositive procedural ruling is debatable and that the petition states a debatably valid claim of the denial of a constitutional right).

Signed: May 19, 2014



Richard L. Voorhees
United States District Judge

