

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

JORGE MARTINEZ,)	Case No. 4:18 CV 1206
)	
)	
Petitioner,)	JUDGE DONALD C. NUGENT
-vs-)	
)	<u>MEMORANDUM OPINION</u>
UNITED STATES OF AMERICA,)	<u>AND ORDER</u>
)	
Respondent.)	

This case is before the Court on Petitioner’s Motion to Proceed in Forma Pauperis (ECF #2), and his Motion to Recuse (ECF #3), filed in connection with his petition to correct sentence, which was addressed under his criminal case, number 4:04 CR 430. The outstanding motions are denied for the reasons set forth in this Court’s order of May 30, 2018, (ECF #356, Case No. 4:04 CR 430), denying his motion to vacate. As explained in that Order, Mr. Martinez has been prohibited from further attempts at filing a motion under 28 U.S.C. §2255, and may not rename his motion as a rule 60(b) motion simply to circumvent the requirements of §2255 or to avoid this prohibition. Further, even if the Court were to recognize this as a successive § 2255 motion, Mr. Martinez has failed to receive authorization from the Sixth Circuit to file the motion, and the motion once again exceeds the allowable page limits that apply to §2255 requests. As the underlying motion is not properly before the Court, the Court has no reason to permit the case to be filed in forma pauperis, and has no reason to recuse itself from the proceedings,. The

Petitioner's motions (ECF #2, 3) are, therefore, denied, and this case is dismissed. IT IS SO ORDERED.

Date: August 10, 2018

Donald C. Nugent
Donald C. Nugent
United States District Judge