

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
vs.	)	No. CR-15-126-5-C
	)	CIV-19-178-C
CURTIS A. ANTHONY,	)	
	)	
Defendant	)	

MEMORANDUM OPINION AND ORDER

Defendant has filed a Motion pursuant to 28 U.S.C. § 2255 seeking to vacate, set aside, or correct his sentence. Defendant argues that his counsel was ineffective for failing to file a direct appeal. However, the Court’s docket reflects that Defendant’s trial counsel did in fact file a direct appeal and that appeal is currently pending before the Tenth Circuit. Because Defendant is entitled to file only one 28 U.S.C. § 2255 Motion, absent permission of the Tenth Circuit, the Court finds the appropriate action here is to strike the present filing.

Accordingly, Defendant’s Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Dkt. Nos. 470, 1) is STRICKEN.

IT IS SO ORDERED this 9th day of April, 2019.

  
 ROBIN J. CAUTHRON  
 United States District Judge