

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JASON SHEPPARD,)	
)	
Petitioner,)	
)	Civ. No. 14-1305
vs.)	Crim. No. 10-119
)	
UNITED STATES OF AMERICA.)	
)	

MEMORANDUM OPINION AND ORDER

Pending before the Court is Petitioner Jason Sheppard's Second Motion under 28 U.S.C. § 2255 To Vacate, Set Aside, or Correct Sentence By a Person in Federal Custody [ECF #92]. In this Motion, Petitioner is arguing "all grounds listed in CV-13-1667 [his first § 2255 Motion which currently is on appeal] plus new evidence of a real conflict of interest where my counsel represented the Government's leading witness on a DUI charge and counseled her to testify against me in exchange for dropping said DUI." Motion, p. 4.

This motion is a second or successive § 2255 petition. The Court does not have jurisdiction over such a motion without prior Third Circuit approval. 28 U.S.C. § 2255(h). Such approval has not been given in this case. Therefore, Mr. Sheppard's motion will be denied.

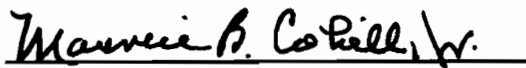
In addition, because jurists of reason would not debate this procedural ruling, a certificate of appealability will not issue. *See, e.g., Walker v. Frank*, 56 F. App'x 577, 579 (3d Cir. 2003).

Petitioner is advised that he has the right to appeal this Order denying his Motion, *see* 28 U.S.C. § 2253(a), and that our denial of a certificate of appealability does not prevent him from doing so, as long as he also seeks a certificate of appealability from the court of appeals. *See* Federal Rule of Appellate Procedure 2.

ORDER

AND NOW, this 30th day of September, 2014, it is HEREBY ORDERED, ADJUDGED AND DECREED that Petitioner's Second Motion under 28 U.S.C. § 2255 To Vacate, Set Aside, or Correct Sentence By a Person in Federal Custody [ECF#90²] is DENIED.

It is further hereby ORDERED, ADJUDGED AND DECREED that the Clerk of Court shall mark the civil action, Civ. No. 14-1305, CLOSED.


Maurice B. Cohill, Jr.
Senior District Court Judge

cc: Jason Sheppard
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