

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

DENNIS JOEL IVEY,)	
)	
Movant,)	
)	
VS.)	No. 16-1008-JDT-egb
)	No. 16-1303-JDT-egb
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
)	

ORDER DIRECTING CLERK TO DOCKET § 2255 MOTION IN CASE NO. 16-1303
AS A SUPPLEMENTAL MOTION IN CASE NO. 16-1008 AND
TO CLOSE DUPLICATE CASE NO. 16-1303

On January 13, 2016, Movant Dennis Joel Ivey, acting *pro se*, filed a motion for leave to file a successive motion pursuant to 28 U.S.C. § 2255. The document was construed as a § 2255 motion and opened as case number 16-1008. Ivey sought to challenge his sentence pursuant to the decision in *Johnson v. United States*, 135 S. Ct. 2551 (2015). On June 23, 2016, the Court transferred the § 2255 motion to the Sixth Circuit pursuant to 28 U.S.C. § 2244(b)(3). The Court of Appeals subsequently granted leave to file the motion and remanded for further proceedings. *See In re Ivey*, No. 16-6052 (6th Cir. Oct. 27, 2016).

On November 25, 2016, Ivey filed another § 2255 motion, which was opened as case number 16-1303. In that motion, Ivey contends that his sentence is invalid under both *Johnson* and the later decision in *Mathis v. United States*, 136 S. Ct. 2243 (2016).

It appears the § 2255 motion opened as case number 16-1303 should have been docketed as a supplemental motion in the prior proceeding rather than as a separate case. Therefore, the Clerk is DIRECTED to docket the § 2255 motion in case number 16-1303 as a supplemental § 2255 motion in case number 16-1008. The Clerk is further DIRECTED to close duplicate case number 16-1303.

IT IS SO ORDERED.

s/ **James D. Todd**
JAMES D. TODD
UNITED STATES DISTRICT JUDGE