

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

<p>TAE H. CHON, Petitioner,</p> <p>vs.</p> <p>UNITED STATES OF AMERICA, Respondent.</p>	<p>MEMORANDUM DECISION AND ORDER DENYING PETITIONER'S 52(b) MOTION</p> <p>Civil Case No. 2:09-CV-654 TS Criminal Case No. 2:01-CR-487 TS</p>
---	--

This matter is before the Court on Petitioner's 52(b) Motion. Considering Petitioner's Motion, the Court finds that it constitutes a second or successive petition under 28 U.S.C. § 2255. As such, the Court does not have the jurisdiction to address the merits of the Motion.<sup>1</sup> It is therefore

ORDERED that Petitioner's 52(b) Motion (Docket No. 33 in Case No. 2:09-CV-654 TS and Docket No. 149 in Case No. 2:01-CR-487 TS) is DISMISSED for lack of jurisdiction.

---

<sup>1</sup>*In re Cline*, 531 F.3d 1249, 1251 (10th Cir. 2008) ("A district court does not have jurisdiction to address the merits of a second or successive § 2255 . . . claim until [the appropriate court of appeals] has granted the required authorization.")..

DATED October 22, 2012.

BY THE COURT:

  
\_\_\_\_\_  
TED STEWART  
United States District Judge