

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Case No. 07-C-020
92-CR-113**

JOHN ERIC SANDLES,

Movant.

DECISION AND ORDER

On January 3, 2007, the Court received a “Petition for Writ of Error Coram Nobis” that was filed by John Eric Sandles (“Sandles”). In his petition, he claims that his conviction and sentence were pursuant to an unconstitutional statute. Despite the caption on Sandles’s filing, it substantively comes within the purview of 28 U.S.C. § 2255. *See United States v. Lloyd*, 398 F.3d 978, 980 (7th Cir. 2005). Sandles is attacking his underlying conviction and imprisonment.

This is not Sandles’s first § 2255 motion; he has previously filed multiple such motions. Insofar as Sandles’s motion is a successive motion within the meaning of 28 U.S.C. §§ 2244 & 2255, and, insofar as Sandles has not obtained authorization from the Court of Appeals to file a successive motion, this Court lacks jurisdiction to consider the substance of his arguments.

NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:

Sandles's "Petition for Writ of Error Coram Nobis" (Docket No. 1) is **CONSTRUED** as a Motion to Vacate, Correct, or Set Aside his sentence pursuant to 28 U.S.C. § 2255.

Sandles's Motion is **DENIED**.

The clerk is directed to close this case and enter judgment accordingly.

Dated at Milwaukee, Wisconsin this 18th day of January, 2007.

BY THE COURT

s/ Rudolph T. Randa

**Hon. Rudolph T. Randa
Chief Judge**