

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

TORRENCE HARRIS, SR.,

Petitioner,

Case No. 24-cv-931-pp

v.

UNITED STATES OF AMERICA,

Respondent.

**ORDER DENYING AS DUPLICATIVE MOTION TO VACATE, CORRECT OR
SET ASIDE SENTENCE UNDER 28 U.S.C. §2255 (DKT NO.1) AND
DISMISSING CASE**

On April 15, 2024, the petitioner filed a motion under 28 U.S.C. §2255 to vacate, set aside or correct his sentence, challenging his conviction in United States v. Harris, et al., Case No. 17-cr-175 (E.D. Wis.). Harris v. United States, Case No. 24-cv-453 (E.D. Wis.), Dkt. No. 1. On July 23, 2024, the petitioner filed another, substantially identical motion with minor typographical differences, under the impression that the original motion was “lost in the mailing transit process.” Harris v. United States, Case No. 24-cv-931, Dkt. Nos. 1, 1-2. Both motions assert that the petitioner’s attorney did not file evidentiary motions to suppress wiretap evidence, constituting ineffective assistance of counsel under Strickland v. Washington, 466 U.S. 668 (1984), in violation of the petitioner’s Sixth Amendment right to counsel. Case No. 24-cv-931, Dkt. No. 1 at 4; Case No. 24-cv-453, Dkt. No. 1 at 4. Both motions assert that the wiretap evidence was the product of an improper search and seizure under the

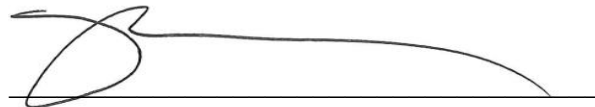
Fourth Amendment because the wiretap application was supported by affidavits containing “material misstatements and omissions.” Case No. 24-cv-931, Dkt. No. 1 at 5; Case No. 24-cv-453, Dkt. No. 1 at 5. Because both motions seek the same relief under the same theories, the court will dismiss the later-filed case. The court will resolve the first-filed motion in Case No. 24-cv-453 in a separate order.

The court **DENIES** as duplicative of the motion filed in Case No. 24-cv-453 the petitioner’s motion to vacate, set aside or correct sentence under 28 U.S.C. §2255. Dkt. No. 1.

The court **ORDERS** that this case is **DISMISSED WITH PREJUDICE**. The clerk will enter judgment accordingly.

Dated in Milwaukee, Wisconsin this 30th day of August, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge