

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOHN W. SANDERS,

Defendant.

ORDER

03-cr-97-bbc
10-cv-166-bbc

Defendant John W. Sanders has filed a motion for post conviction relief under 28 U.S.C. § 2255, seeking a reduction in the sentence imposed on him on April 27, 2004. Defendant has also filed a motion to hold his § 2255 motion in abeyance. Defendant contends that his sentence must be modified because it is likely that his Kentucky sentence will be reversed. If it is, he says, he will be entitled to be resentenced here without consideration of his state sentence.

Defendant filed a motion for post conviction relief in January 2006 and amended it in June 2006. The motion was denied on June 13, 2006. Once defendant filed a motion for post conviction relief, he lost his right to file any successive motion unless he obtained certification from a panel of the Court of Appeals for the Seventh Circuit. 28 U.S.C. § 2255

¶8. He has not obtained the necessary certification. Therefore, his motion must be dismissed without consideration of its untimeliness or the merits of the claim.

ORDER

IT IS ORDERED that defendant John W. Sanders's motion for vacation of his sentence pursuant to 28 U.S.C. § 2255 is DISMISSED because this court lacks the authority to entertain it. His motion to hold his § 2255 motion in abeyance is DENIED as moot.

Entered this 1st day of April, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge