

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

SUSAN C. SPRY,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

98-CR-021-S-01

On March 21, 2001 petitioner's motion to vacate her sentence under 28 U.S.C. § 2255 was denied. Her motion for reconsideration was denied on May 2, 2001. The United States Court of Appeals denied her request for a certificate of appealability on September 15, 2001. On April 8, 2004 petitioner's Rule 60(b) motion was denied. On April 23, 2004 her motion for reconsideration was denied. She appealed and the Court of Appeals vacated the district court judgment and remanded for dismissal for lack of jurisdiction because her motion was a successive 28 U.S.C. § 2255 motion. Petitioner now moves for relief from judgment for a second time.

This motion is also a successive motion under 28 U.S.C. § 2255. Accordingly, this Court lacks jurisdiction to address it without prior approval of the United States Court of Appeals for the Seventh Circuit. 28 U.S.C. §2244(b)(3)(A), Nunez v. United States, 96 F.3d 990 (7th Cir. 1996).

Spry v. United States, 98-CR_21-S

ORDER

IT IS ORDERED that petitioner's motion which is construed as a motion to vacate her sentence under 28 U.S.C. § 2255 is DISMISSED for lack of jurisdiction.

Entered this 20th day of September, 2005.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge