

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

MORRIS E. BROWN,

Defendant.

ORDER

10-cv-47-bbc

08-cr-134-bbc

Defendant Morris Brown has filed a third motion to reopen and amend his motion for post conviction relief under 28 U.S.C. § 2255. His first and second motions were denied because his case is on appeal before the Court of Appeals for the Seventh Circuit. As I explained to defendant in denying his two previous motions, the district court should not consider § 2255 motions while an appeal is pending. United States v. Robinson, 8 F.3d 398 (7th Cir. 1993). Nothing has changed since defendant's first motion. His case is still pending before the court of appeals. Therefore, his motion will be denied.

ORDER

IT IS ORDERED that defendant Morris Brown's motion to reopen and amend his motion for post conviction relief under 28 U.S.C. § 2255 is DENIED without prejudice as premature.

Entered this 26th day of April, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge