

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

UNITED STATES OF AMERICA,

OPINION AND ORDER

10-cr-188-bbc

Plaintiff,

v.

DEMETRIUS PETTY,

Defendant.

Defendant Demetrius Petty has filed a motion for appointment of counsel to help him to file a motion for post conviction relief under 28 U.S.C. § 2255, or perhaps simply to help him determine whether he has any basis on which to file such a motion. He says he wants help “in regards to a couple of Supreme Court decisions,” namely, Alleyne v. United States, 133 S. Ct. 2151 (2013), and Descamps v. United States, 133 S. Ct. 2276.

It is unlikely that I would appoint counsel for defendant at this point, without even knowing what issues he plans to raise. But defendant faces a larger obstacle. He has already filed one post conviction motion, dkt. #191, which was denied on June 18, 2012. Dkt. #194. Under § 2255(h), he cannot file a second motion unless he obtains certification for filing from a panel of the Court of Appeals for the Seventh Circuit. Until that happens, this court has no jurisdiction to consider any motion he might file.

Before asking for certification, defendant should think carefully about what issues he

wants to raise and why he thinks he could prevail on them and explain them carefully in writing for submission to the court of appeals.

ORDER

IT IS ORDERED that defendant Demetrius Petty's request for appointment of counsel is DENIED for lack of jurisdiction.

Entered this 16th day of July, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge