

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY C. TAYLOR,

Defendant.

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ORDER

11-cr-102-bbc

Defendant Gregory Taylor has filed a letter in which he requests permission to withdraw his guilty plea, vacate his sentence and appoint counsel to represent him. This is defendant's third such request. As I have explained in response to his previous correspondence and motions, the sentencing judge loses authority to reduce or modify a sentence once it is imposed. This means that I cannot change defendant's sentence at this time. In addition, he has already filed previous motions for post conviction relief under 28 U.S.C. §2255. As I explained to defendant, he cannot proceed in this court on his claim unless he obtains certification for his new motion by a panel of the Court of Appeals for the Seventh Circuit. 28 U.S.C. § 2255(h). If he still wishes to pursue his motion, he can petition the court of appeals, 219 S. Dearborn St., Chicago, IL 60604. This court has no authority to hear his claim unless and until the court of appeals certifies his claim.

Under Rule 11 of the Rules Governing Section 2255 Proceedings, the court must

issue or deny a certificate of appealability when entering a final order adverse to a petitioner. To obtain a certificate of appealability, the applicant must make a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); Tennard v. Dretke, 542 U.S. 274, 282 (2004). This means that "reasonable jurists could debate whether (or, for that matter, agree that) the petition should have been resolved in a different manner or that the issues presented were adequate to deserve encouragement to proceed further." Miller-El v. Cockrell, 537 U.S. 322, 336 (2003) (internal quotations and citations omitted). Petitioner has not made a substantial showing of a denial of a constitutional right so no certificate will issue.

Defendant is free to seek a certificate of appealability from the court of appeals under Fed. R. App. P. 22, but that court will not consider his request unless he first files a notice of appeal in this court and pays the filing fee for the appeal or obtains leave to proceed in forma pauperis.

## ORDER

IT IS ORDERED that defendant's letter requesting permission to withdraw his guilty plea, vacate his sentence and appoint counsel to represent him are DENIED. No certificate of appealability shall issue. Petitioner may seek a certificate from the court of appeals under Fed. R. App. P. 22.

FURTHER, IT IS ORDERED that if defendant files any additional documents, the clerk is to forward the document to chambers before filing it. If the document raises

non-meritorious issues or seeks frivolous forms of relief or is otherwise not a document permitted to be filed under the Federal Rules of Civil or Appellate Procedure at this stage of defendant's case, the document will be placed in the file with no response from the court.

Entered this 29th day of March, 2017.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge