

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

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARRELL HEDGES,

Defendant.

---

ORDER

03-cr-106-wmc<sup>1</sup>

On March 3, 2011, defendant Darrell Hedges filed a document that appears to be a challenge to his sentence. Dkt. #120. Therefore, the court is obligated to treat defendant's submission as a motion to "vacate, set aside or correct [his] sentence" pursuant to 28 U.S.C. § 2255. *See Melton v. United States*, 359 F.3d 855, 857 (7th Cir. 2004) (substance of motion controls, not title). As a result, defendant's motion must be denied for failure to comply with § 2255(h).

According to § 2255(h), "[a] second or successive [2255] motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals to contain" newly discovered evidence or "a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable." Hedges' current motion is his second § 2255 motion. He filed his first § 2255 motion on January 6, 2006 (dkt. #107), and it was denied on March 23, 2006 (dkt. #116). Before this court can consider the claims raised in defendant's motion, he must first obtain certification from the

---

<sup>1</sup>This case was assigned to Judge Conley on March 3, 2011.

Seventh Circuit Court of Appeals.

ORDER

IT IS ORDERED that defendant Darrell Hedges' motion to reduce his sentence (dkt. #120) is DISMISSED WITHOUT PREJUDICE as an unauthorized successive petition over which this court lacks jurisdiction.

Entered this 1st day of November, 2012.

BY THE COURT:

/s/

WILLIAM M. CONLEY

District Judge