

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

RUSSELL VASEY,

Defendant.

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ORDER

94-CR-101-C

Defendant Russell Vasey has written to the court asking for a reduction of sentence. In support of his motion, defendant details changes that he has made in his behavior and outlook.

Although I consider defendant's changed attitude to be a positive one, I have no authority to entertain his request. Defendant has previously filed a motion for reduction or correction of sentence pursuant to 28 U.S.C. § 2255. See United States v. Vasey, 95-C-0824-C. 28 U.S.C. § 2255 prohibits a district court from considering a second or successive motion for reduction of sentence unless the court of appeals has certified the motion as containing newly-discovered evidence or a new rule of constitutional law. The court of appeals has not certified defendant's motion. Therefore, this court lacks authority to

entertain it. Even if I could entertain the motion, I would have no authority to act on the request. Once a court imposes a sentence, it loses its authority to make any changes unless the court of appeals reverses the sentence and remands the matter for re-sentencing or the government moves for a reduction of sentence pursuant to Fed. R. Crim. P. 35.

ORDER

IT IS ORDERED that defendant Russell Vasey's motion for reduction of sentence is DENIED on the ground that this courts lacks authority to entertain it.

Entered this 17th day of December, 2002.

BY THE COURT:

BARBARA B. CRABB  
District Judge