

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

GORDON O. HOFF, SR.,

Defendant.

ORDER

99-C-0582-C

96-CR-0010-C-01

Defendant has filed a notice of appeal from a memorandum I issued in this case on January 30, 2006. In the memorandum, I declined to consider a “brief” filed by defendant on January 13, 2006, that was unrelated to any pending § 2255 motion in this court. I noted that defendant had filed an identical brief on May 2, 2005, and that I had refused to consider that brief. At the time, defendant had an appeal pending in the Court of Appeals for the Seventh Circuit in which he was challenging this court’s April 6, 2005 order dismissing his Rule 60(b) motion as a successive § 2255 motion that required pre-filing certification from the court of appeals. On June 20, 2005, the court of appeals agreed that this court had properly disposed of defendant’s Rule 60(b) motion. Because this court’s

order of January 30 does nothing more than decline to consider a brief in the absence of a properly filed successive § 2255 motion, the order is not appealable. I am construing defendant's notice of appeal to include a request for leave to proceed in forma pauperis on appeal and am denying it.

If defendant files any further documents in this case, the clerk of court is directed to forward them to me before filing. If I determine that the document includes a challenge to defendant's conviction or sentence and is not accompanied by an order of the Court of Appeals for the Seventh Circuit permitting the filing, then I will place the document in the file of this case and make no response to it.

ORDER

IT IS ORDERED that defendant's notice of appeal is construed as including a request for leave to appeal in forma pauperis and so construed is DENIED.

FURTHER, IT IS ORDERED that if defendant files any further documents in this case, the clerk of court is directed to forward them to me before filing. If I determine that the document includes a challenge to defendant's conviction or sentence and is not accompanied by an order of the Court of Appeals for the Seventh Circuit permitting the

filing, then I will place the document in the file of this case and make no response to it.

Entered this 2nd day of March, 2006.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge