

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

FONG VANG,

Defendant.

ORDER

96-CR-0011-C-01

97-CR-0011-C-01

Defendant Fong Vang has filed a motion to reduce his sentence pursuant to 28 U.S.C. § 2255. Defendant does not explain the basis for his motion. He merely argues that his sentence should be modified, reduced, suspended or vacated. Even if he did have good reason for a change of his sentence, this court could not entertain his motion. This is because it is the fourth one that he has filed since he was convicted in July 1997. As defendant should be well aware by now, this court has no authority to hear successive motions attacking a sentence unless a panel of the Court of Appeals for the Seventh Circuit certifies that the motion contains either 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 to defendant. § 2255, ¶ 8. Defendant has not shown that the court of appeals has certified his present motion.

ORDER

IT IS ORDERED that defendant Fong Vang's motion attacking his sentence pursuant to 28 U.S.C. § 2255 is DISMISSED because this court lacks the authority to entertain it.

Entered this 15th day of October, 2004.

BY THE COURT:

BARBARA B. CRABB
District Judge