

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

ELIZABETH CIRVES,

Defendant.

ORDER

07-cr-149-bbc

Defendant Elizabeth Cirves has filed a motion for appointment of counsel to assist her in preparing a motion for post conviction relief under 28 U.S.C. § 2255. Her motion must be denied because this court has no jurisdiction to take any action in connection with the post conviction motion defendant wants to file.

Defendant filed her first § 2255 motion on June 19, 2012. It was denied on July 3, 2012. Section 2255 prohibits a defendant from filing a second or successive motion under § 2255 without certification by a panel of the court of appeals that the new motion contains newly discovered evidence or "a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court." Until defendant obtains proper certification from the court of appeals, this court can take no action on her motion for appointment of counsel and her motion must be DENIED.

ORDER

IT IS ORDERED that defendant Elizabeth Cirves's motion for appointment of counsel is DENIED.

Entered this 11th day of March, 2013.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge