

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

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UNITED STATES OF AMERICA,

Plaintiff,

v.

MORRIS E. BROWN,

Defendant.  
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OPINION AND ORDER

10-cv-47-bbc

08-cr-134-bbc

On February 1, 2010, defendant filed a motion for post conviction relief under 28 U.S.C. § 2555. His motion was denied on February 18, 2010. Defendant appealed the denial to the Court of Appeals for the Seventh Circuit. His appeal is pending. Defendant has now filed a motion to reopen and amend his motion for post conviction relief under 28 U.S.C. § 2255.

Absent extraordinary circumstances, the district court should not consider § 2255 motions while an appeal is pending. United States v. Robinson, 8 F.3d 398 (7th Cir. 1993). Defendant has not alleged any extraordinary circumstances that require re-consideration of his § 2255 motion while his appeal is pending. Therefore, I will deny defendant's motion

without prejudice because it is premature.

ORDER

IT IS ORDERED that defendant Morris Brown's motion to reopen and amend his motion for post conviction relief under 28 U.S.C. § 2255 is DENIED without prejudice as premature.

Entered this 23d day of November, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge