

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 94-CR-10129-01-JTM

No. 16-CV-1410-JTM

PHUOC H. NGUYEN,

Defendant.

**MEMORANDUM AND ORDER DENYING DUPLICATIVE
SUCCESSIVE MOTION TO VACATE SENTENCE**

Defendant Phuoc Nguyen has filed another successive motion to vacate sentence under 28 U.S.C. § 2255 (Dkt. 278). This motion is duplicative of his previously filed motions to vacate (Dkts. 258, 262, and 270), which the court has rejected and defendant has appealed to the Tenth Circuit Court of Appeals. Nguyen has neither received nor even sought permission from the Tenth Circuit Court of Appeals to pursue his claims as required by § 2255(h). Thus, this court lacks jurisdiction to address the merits of this motion. And because this motion raises the same arguments as his previous § 2255 motions, the court finds referral of this motion to the Tenth Circuit would serve no legitimate purpose. For these reasons, the court dismisses this motion for lack of jurisdiction.

IT IS THEREFORE ORDERED this 16th day of November, that defendant's motion to vacate (Dkt. 278) is **DISMISSED**. A certificate of appealability as to this ruling is **DENIED**.

s/ J. Thomas Marten _____
J. THOMAS MARTEN, District Judge