IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
Plaintiff,)) Case Nos.)	03-20003-09-CM (Criminal) 16-2390-CM (Civil)
MONIQUE HORTON,)))	
Defendant.)	

MEMORANDUM AND ORDER

This case is before the court on defendant Monique Horton's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 617). This is defendant's third § 2255 motion. The court denied her first motion on April 7, 2006 (Doc. 418). Although defendant did not label her second motion as a § 2255 motion, the court construed it as such and dismissed it without prejudice for lack of jurisdiction on March 10, 2014 (Doc. 570). In that order, the court explained to defendant that she needed to obtain authorization from the Tenth Circuit before filing a second or successive § 2255 motion.

This time, defendant sought authorization from the Tenth Circuit to file a second or successive § 2255 motion. The Tenth Circuit denied authorization (Doc. 640). Because defendant does not have the required authorization, this court lacks jurisdiction to consider her motion. To the extent that a certificate of appealability is necessary in this case, the court declines to issue one. A certificate of appealability is not warranted for this reason: Reasonable jurists could not debate whether "the petition should have been resolved in a different manner or that the issues presented were adequate to deserve

encouragement to proceed further." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (internal quotation marks and citation omitted).

IT IS THEREFORE ORDERED that defendant Monique Horton's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 617) is dismissed for lack of jurisdiction.

IT IS FURTHER ORDERED that the court will not issue a certificate of appealability in this case.

Dated this 12th day of January, 2017, at Kansas City, Kansas.

s/ Carlos Murguia CARLOS MURGUIA United States District Judge