

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,
Plaintiff,

vs.

No. 04-10174-JTM

BRUCE SEARS,
Defendant.

MEMORANDUM AND ORDER

The defendant's exclusive means for challenging his sentence is a motion under 18 U.S.C. § 2255. (Dkt. 152, at 3-4; Dkt. 160, at 2). Absent authorization from the Tenth Circuit for the filing of a successive § 2255 motion, the court lacks jurisdiction to address his arguments. (*Id.*) On three previous occasions, the court has rejected defendant's "inexplicable efforts to evade the appropriate vehicle for relief" by filing motions request this relief under a different label. *See* Dkt. 154, 160, at 2.

To his prior efforts at circumvention (a motion for writ of *audita querela*, a motion under 18 U.S.C. § 3582(c)(1)(A)(i), and a motion under 18 U.S.C. § 3559(c)(7)), Sears has now added yet another *audita querela* motion (Dkt. 165) and another motion under 18 U.S.C. § 3582(c)(1)(A). The court again dismisses the present motions for reasons stated previously (Dkt. 160), and further denies a certificate of appealability, again for reasons stated previously. (Dkt. 162).

IT IS SO ORDERED this day of April, 2021, that the defendant's Motions for Relief (Dkt. 165, 167) are hereby dismissed.

J. Thomas Marten
J. Thomas Marten, Judge