

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 06-10129-JTM

JAMES E. BAKER,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court on defendant James Baker's Motion for Leave to Amend a § 2255 motion. Dkt. 184. The motion comes a few weeks after the Tenth Circuit denied a prior attempt by Mr. Baker to bring a second or successive § 2255 motion. Dkt. 183.

As this court explained in its ruling of February 20, 2015, a prisoner may not file a second or successive § 2255 motion in the district court without permission of the appropriate court of appeals. Dkt. 175 at 3; 28 U.S.C. § 2255(h). Regardless of the label attached to this particular motion, it clearly seeks relief from defendant's conviction and sentence and is properly characterized as a successive § 2255 motion. As such this court has no jurisdiction to rule on it. *See United States v. Nelson*, 465 F.3d 1145, 1148-49 (10th Cir. 2006).

IT IS THEREFORE ORDERED this 20th day of October, 2015, that defendant's "Motion for Leave to Amend § 2255 Motion" (Dkt. 184) is DISMISSED for lack of subject matter jurisdiction.

s/J. Thomas Marten
J. THOMAS MARTEN, JUDGE