

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 07-CR-10221-JTM-2

Case No. 17-CV-01035-JTM

TYRONE L. ANDREWS,

Defendant.

MEMORANDUM AND ORDER

Before the court is defendant's request for removal of the two point enhancement to his sentence because "[he cannot] take the drug program to get the extra year off." Dkt 1075. Defendant claims the "pullover" was illegal and that he did not receive the minimum sentence. *Id.* The docket indicates that defendant has previously filed a motion to vacate sentence under 28 U.S.C. § 2255. Dkt. 742. This court lacks jurisdiction to address the merits of a second or successive § 2255 motion until the Court of Appeals grants authorization. 28 U.S.C. § 2255(h); *United States v. Nelson*, 465 F.3d 1145, 1148 (10th Cir. 2006). Accordingly, the court denies the motion and refers it to the Tenth Circuit Court of Appeals for authorization.

IT IS THEREFORE ORDERED this 10th day of February, 2017, that defendant's motion (Dkt. 1075) is denied without prejudice and referred to the Tenth Circuit Court of Appeals for authorization.

s/ J. Thomas Marten
Chief United States District Judge