

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 08-10002-07-WEB
)	
THANH NGUYEN,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Before the court is defendant's Motion pursuant to Rule 60(b). (Doc. 480). A review of the motion shows that defendant is "filing a motion pursuant to 28 U.S.C. § 2244 respectfully requesting permission to file a second petition pursuant to 28 U.S.C. § 2255."

The district court does not have jurisdiction to address the merits of a second or successive section 2255 claims until the Court of Appeals grants authorization. United States v. Nelson, 465 F.3d 1145, 1148 (10th Cir. 2006). A second or successive petition for habeas corpus relief should be transferred to the Court of Appeals for authorization. Coleman v. United States, 106 F.3d 339, 341 (10th Cir. 1997).

IT IS THEREFORE ORDER that this motion be referred to the Tenth Circuit Court of Appeals for authorization.

IT IS SO ORDERED this 22nd day of March, 2011.

s/ Wesley E. Brown
Wesley E. Brown
Senior United States District Court Judge