

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

PATRICK STEWARD,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondent.

Case No. 13-cv-50-DRH

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

This case is before the Court on petitioner's application to file a second or successive motion to vacate, set aside or correct sentence under 28 U.S.C § 2255 (Doc. 1). Pursuant to Rule 9, "[b]efore presenting a second or successive motion, the moving party must obtain an order from the appropriate court of appeals authorizing the district court to consider the motion, as required by 28 U.S.C. § 2255." Therefore, the Court strikes this petition and directs petitioner to file his petition with the 7th Circuit and obtain the appropriate order. The clerks' office is hereby directed to close the case.

IT IS SO ORDERED.

Signed this 16th day of January, 2013.

David R. Herndon
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David R. Herndon
Date: 2013.01.16
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**Chief Judge
United States District Court**