

FILED

United States Court of Appeals  
Tenth Circuit

UNITED STATES COURT OF APPEALS

June 11, 2013

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker  
Clerk of Court

In re:

JIMMIE GHOLSON,

Movant.

No. 13-1234

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ORDER

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Before **KELLY, GORSUCH, and MATHESON**, Circuit Judges.

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Jimmie Gholson filed a motion for authorization to file a second-or-successive 28 U.S.C. § 2255 motion to vacate, set aside or correct his sentence. Such a motion “must be filed in the district that imposed the sentence.” *Licon v. Ledezma*, 638 F.3d 1303, 1311 (10th Cir. 2011) (quotation omitted); *see also* 28 U.S.C. § 2255(a) (providing that a prisoner “may move the court which imposed the sentence to vacate, set aside or correct the sentence”). And before a prisoner may file a second-or-successive § 2255 motion, he must move for authorization “in the appropriate court of appeals.” 28 U.S.C. § 2244(b)(3)(A); *see also id.* § 2255(h) (stating “[a] second or successive motion must be certified as provided in section 2244 by a panel of the appropriate court of appeals”).

Mr. Gholson is currently imprisoned at the Kit Carson County Correctional Center in Burlington, Colorado, but his sentence was imposed by the United States District Court for the Northern District of Illinois. Because Mr. Gholson therefore

needs authorization to file a second-or-successive § 2255 motion in the Northern District of Illinois, the “appropriate court of appeals” in which to seek authorization is the Seventh Circuit Court of Appeals, rather than this court. *See generally* 28 U.S.C. § 41 (delineating the composition of the thirteen judicial circuits).

Accordingly, this matter is dismissed.

Entered for the Court

A handwritten signature in cursive script, reading "Elisabeth A. Shumaker", written in black ink on a white background.

ELISABETH A. SHUMAKER, Clerk