

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

United States of America,

Crim. No. 14-314(4) (PAM)

Plaintiff,

v.

**ORDER**

Jeremy Joseph Hunt,

Defendant.

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This matter is before the Court on Defendant's Motion to Amend/Correct Error and to Review and Correct Sentence. For at least the third time in this Court, Defendant contends that the presentence investigation report ("PSR") miscalculated his criminal history. He asks the Court to resentence him using a lower criminal history score.<sup>1</sup>

The Court lacks jurisdiction to consider this request, which is essentially a third Motion to Vacate under 28 U.S.C. § 2255. Indeed, Defendant raised this identical issue on appeal and in several previous Motions. Before bringing any future motions regarding his sentence, Defendant must secure permission from the Eighth Circuit Court of Appeals to do so. 28 U.S.C. § 2255(h). Absent that permission, the Court cannot entertain the Motion.

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<sup>1</sup> Defendant also requested that the Court inform the Bureau of Prisons of the drug quantity involved in his conviction. (Docket No. 474.) The plea agreement indicates that Defendant pled guilty to conspiracy to distribute 500 grams or more of methamphetamine. Defendant did not plead guilty to a specific amount of methamphetamine, but he is responsible for at least 500 grams because he pled guilty to the conspiracy charge.

But even if the Court had jurisdiction over Defendant's Motion, the Motion is without merit. Defendant contends that the PSR incorrectly ascribed two criminal history points to a 2007 conviction for which he ostensibly did not serve any time in jail. And Defendant's recitation of the relevant facts shows that he did serve time on that conviction—he was in jail for nine months. That this sentence was served for more than one offense is irrelevant for calculating Defendant's criminal history. The PSR correctly calculated his criminal history, and the Motion therefore fails.

Accordingly, **IT IS HEREBY ORDERED that** Defendant's Motion to Amend/Correct Error (Docket No. 470) is **DENIED**.

Dated: March 15, 2018

*s/ Paul A. Magnuson*

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Paul A. Magnuson  
United States District Court Judge