

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 19-3476

Robert Eugene Glassgow

Appellant

v.

United States of America

Appellee

Appeal from U.S. District Court for the Southern District of Iowa - Des Moines
(4:19-cv-00260-JEG)

ORDER

The petition for rehearing en banc is denied. The petition for rehearing by the panel is also denied.

April 17, 2020

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

JUDGMENT IN A CIVIL CASE

ROBERT EUGENE GLASSGOW,

CASE NO.: 4:19-cv-00260

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

JURY VERDICT. This action came before the Court for trial by jury. The issues have been tried and the jury has rendered its verdict.

✓ DECISION BY COURT. This action came before the Court. The matter has been fully submitted and a decision has been rendered.

IT IS ORDERED AND ADJUDGED:

Petitioner's 28 U.S.C. § 2255 motion to vacate, set aside, or correct his sentence is denied. Case is dismissed.

Date: October 24, 2019

Clerk, U.S. District Court

Sherry J. Gels _____
By: Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

ROBERT EUGENE GLASSGOW,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

No. 4:19-cv-00260-JEG

O R D E R

Robert Eugene Glassgow, *pro se*, filed this Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255. Glassgow seeks to challenge his conviction of receipt of child pornography. See United States v. Glassgow, 1:10-cr-00038-JEG (S.D. Iowa July 18, 2011). Contrary to the allegations of the current motion, Glassgow has previously filed motions pursuant to § 2255. Glassgow v. United States, 4:13-cv-00124-JEG (S.D. Iowa) was dismissed on October 7, 2014. Glassgow v. United States, 4:16-cv-00391-JEG (S.D. Iowa) was dismissed on August 17, 2016.

This Court cannot review the merits of Glassgow's claim because before a movant may file a second or successive § 2255 motion, he must obtain an order from the Court of Appeals authorizing the District Court to consider the motion. 28 U.S.C. § 2255(h) and § 2244(b)(3). It is the Courts of Appeals, not the district courts, who determine whether a defendant should be allowed to file a second petition. Burton v. Stewart, 549 U.S. 147, 152 (2007); Crawford v. Minnesota, 698 F.3d 1086, 108 (8th Cir. 2012).

Unless and until Glassgow receives authorization from the United States Court of Appeals, this matter must be **dismissed without prejudice** to Glassgow's right to re-file the motion if he obtains approval from the United States Court of Appeals for the Eighth Circuit.

IT IS SO ORDERED.

Dated this 23d day of October, 2019.


JAMES E. GRITZNER, Senior Judge
U.S. DISTRICT COURT