

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

MARK STINSTON,)
v.)
Movant,) Cv. No. 2:22-cv-02575-JTF-atc
) Cr. No. 2:16-cr-20247-JTF
)
UNITED STATES OF AMERICA,)
)
Respondent.)
)

ORDER DENYING MOTION FOR RECONSIDERATION (ECF No. 14)

The Court issued an order on October 13, 2022 transferring Mark Stinson's latest Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody ("Fourth § 2255 Motion") to the Sixth Circuit Court of Appeals. (ECF No. 10.) That successive motion was docketed in the Court of Appeals as Case Number 22-5924.

On October 14, 2022, Stinson filed a notice of appeal of this Court's order and a request for appointment of counsel. (ECF No. 11.) That appeal was docketed in the Court of Appeals as Case Number 22-5925.

On October 17, 2022, Stinson filed a Motion for Reconsideration of this Court's October 13, 2022 order. (ECF No. 17.) On October 18, 2022, the Court of Appeals issued an order that Case Number 22-5925 will be held in abeyance pending a ruling on the motion for reconsideration. (ECF No. 16.)

Stinson's Motion for Reconsideration was brought under Rules 59(e) and 60(b)(1), (2), (3), and (6) of the Federal Rules of Civil Procedure. However, this matter was transferred to the Sixth Circuit because this Court lacks authority to decide Stinson's Fourth § 2255 Motion until the Sixth

Circuit approves its filing. (ECF No. 10 at 6.) Stinson's Motion for Reconsideration does not address the Court's conclusion that it does not have jurisdiction to consider his latest § 2255 Motion. The Motion for Reconsideration is **DENIED**.

IT IS SO ORDERED, this 20th day of October, 2022.

s/John T. Fowlkes, Jr.

JOHN T. FOWLKES, JR.

United States District Judge

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General Docket
United States Court of Appeals for the Sixth Circuit

Court of Appeals Docket #: 22-5925

Docketed: 10/18/2022

Nature of Suit: 2510 Prisoner: Vacate Sentence

Mark Stinson, Sr. v. USA

Appeal From: Western District of Tennessee at Memphis

Fee Status: In Forma Pauperis

Case Type Information:

- 1) Prisoner
- 2) Federal
- 3) Motion to Vacate

Originating Court Information:

District: 0651-2 : 2:22-cv-02575

Trial Judge: John Thomas Fowlkes, Junior, U.S. District Judge

Date Filed: 08/30/2022

Date Order/Judgment:

10/13/2022

Date NOA Filed:

10/14/2022

District: 0651-2 : 2:16-cr-20247-1

Trial Judge: John Thomas Fowlkes, Junior, U.S. District Judge

Date Filed: 11/10/2016

Date Order/Judgment:

10/13/2022

Date NOA Filed:

10/14/2022

10/18/2022 1 Prisoner Case Docketed with CAP unnecessary. Notice filed by Appellant Mr. Mark T. Stinson, Sr.. Transcript needed: n. (GSA) [Entered: 10/18/2022 09:03 AM]

10/18/2022 2 4a4 Notice filed. Case held in abeyance pending a ruling on the motion for reconsideration filed in the district court on 10/17/2022 RE #14. (GSA) [Entered: 10/18/2022 09:05 AM]

10/18/2022 3 APPEARANCE filed for Appellee USA by Naya Bedini. Certificate of Service: 10/18/2022. [22-5925] (NB) [Entered: 10/18/2022 02:12 PM]

10/20/2022 4 CORRESPONDENCE: Motion for IFP by Mr. Mark T. Stinson, Sr.. IFP has already been established. (GSA) [Entered: 10/21/2022 09:06 AM]

10/21/2022 5 4A4 ORDER from district court filed. Order Filed: 10/20/2022 (GSA) [Entered: 10/21/2022 09:11 AM]

10/27/2022 6 CORRESPONDENCE: IFP and Financial Affidavit by Mr. Mark T. Stinson, Sr.. IFP has already been established. (GSA) [Entered: 10/31/2022 10:44 AM]

10/31/2022 7 AMENDED NOTICE OF APPEAL filed by Mr. Mark T. Stinson, Sr.. (GSA) [Entered: 10/31/2022 11:02 AM]

11/07/2022 8 TENDERED pro se appellant's brief - briefing schedule has not yet been set. Received from Party Mr. Mark T. Stinson, Sr.. (GSA) [Entered: 11/07/2022 10:03 AM]

11/16/2022 9 LETTER SENT to Mr. Mark T. Stinson, Sr., returning unfiled the Petition for the Supreme Court of the United States of America. (GSA) [Entered: 11/16/2022 02:49 PM]

11/22/2022 10 NOTIFICATION filed by Mr. Mark T. Stinson, Sr. regarding copy of mandamus filed in the U.S. Supreme Court. Certificate of Service: 11/15/2022. (LTK) [Entered: 11/23/2022 12:45 PM]

PACER Service Center			
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11/29/2022 05:54:54			
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Billable Pages:	1	Cost:	0.10