

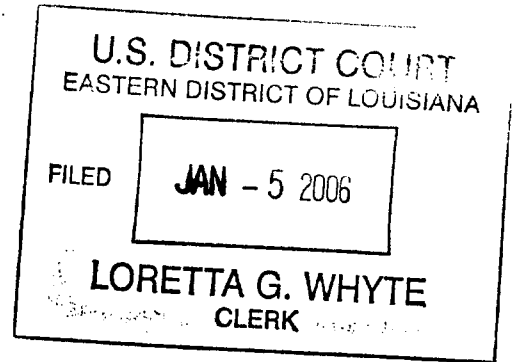
United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

CHARLES R. FULBRUGE III
CLERK

TEL. 504-310-7700
600 CAMP STREET
NEW ORLEANS, LA 70130

December 15, 2005

Mr Kevin Williams
Federal Correctional Institution
Texarkana
#27374-034
4001 Leopard Drive
PO Box 7000
Texarkana, TX 75505



No. 05-31102 In Re: Williams
USDC No. 2:05-CV-5018
2:00-CR-383

The district court has transferred your second or successive 28 U.S.C. § 2255 motion, to this court to determine whether to allow your successive action. I advise you of the following matters, see In re Tony Epps, 127 F.3d 364 (5th Cir. 1997).

Under 28 U.S.C. § 2244(b)(3) you must first receive this court's permission before you can file such an action in district court.

You have **30 days** from the date of this letter to file with this court a motion for authorization to proceed in the district court and to furnish the documentation shown below. The motion may not exceed 30 pages in length pursuant to FED. R. APP. P. 32(a)(7). Please use the case number shown above in your motion. If you fail to file a motion for authorization within this 30 day period, this court will enter an order denying you permission to proceed in the district court.

If you wish to file a second or successive § 2255 motion in the district court, you must make a prima facie showing that you satisfy either of the two conditions found in § 2255.

(A) there is newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable fact finder would have found you guilty of the offense; **or,**

(B) there is a new rule of constitutional law, made retroactive by the Supreme Court, that was previously unavailable.

You must attach the following documentation to your § 2255

- Fee _____
- Process _____
- Dktd _____
- CtRmDep _____
- Doc. No. _____

motion to this court:

(1) a copy of the proposed § 2255 motion you are requesting permission to file in the district court;

(2) copies of all previous § 2255 motions challenging the sentence received in any conviction for which you are currently incarcerated; all previous § 2241 petitions challenging the terms and conditions of your imprisonment;

(3) any complaint, regardless of title, that was subsequently treated by the district court as a § 2255 motion or § 2241 petition;

(4) all court opinions and orders disposing of the claims advanced in (2) or (3) above;

(5) all magistrate judge's reports and recommendations issued in connection with the claims advanced in (2) or (3) above.

If, after due diligence and through no fault of your own, you cannot obtain the documents described above, you should submit an affidavit describing the steps you took to obtain them and explaining why you were unsuccessful. If possible, you should also identify by court, case name and case number any proceeding for which you cannot obtain the documents in (2) and (3) above.


The 30 day time limit within which this court must address your § 2255 motion will not begin to run until the clerk's office receives your response to this letter.

The original and three copies of the application must be mailed to:

U.S. Court of Appeals for the Fifth Circuit
Office of the Clerk
600 Camp Street
New Orleans, LA 70130

Sincerely,

CHARLES R. FULBRUGE III, Clerk

By: 
Kim Folse, Deputy Clerk
504-310-7700

cc: Ms Loretta Whyte, Clerk

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