

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 09-3028

September Term, 2009

FILED ON: DECEMBER 29, 2009

IN RE: TONY LEWIS,

PETITIONER

Consolidated with 09-3030

Petition for Writ of Mandamus to the United States District Court
for the District of Columbia and Motion for an Order Authorizing the District Court to Consider
a Successive 28 U.S.C. § 2255 Application
(Nos. 1:89-cr-00162-TFH-6, 1:89-cr-00162-TFH)

Before: GINSBURG, BROWN, and KAVANAUGH, *Circuit Judges*

J U D G M E N T

This petition and motion were considered on the record from the United States District Court for the District of Columbia and the briefs and oral arguments of the parties. For the reasons stated below, it is

ORDERED and **ADJUDGED** that the petition for writ of mandamus and motion for an order authorizing the district court to consider a successive 28 U.S.C. § 2255 application be denied.

Lewis has filed a petition for writ of mandamus and a motion for an order authorizing the district court to consider a successive § 2255 application, *see* 28 U.S.C. § 2244(b)(3)(A). The relief Lewis requests is premised on his argument that a motion for a sentence reduction based on post-conviction rehabilitation is cognizable under 28 U.S.C. § 2255. It is not. *See United States v. Addonizio*, 442 U.S. 178, 186-87 (1979). We therefore deny his petition for a writ of mandamus and motion for an order authorizing the district court to consider a successive § 2255 application.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY:
Michael C. McGrail
Deputy Clerk