

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 14-11529  
Non-Argument Calendar

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D.C. Docket No. 0:14-cv-60347-WPD

DELVIN MCKINNEY,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Southern District of Florida

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(June 26, 2015)

Before TJOFLAT, MARTIN and ANDERSON, Circuit Judges.

PER CURIAM:

Delvin McKinney was convicted of six drug-trafficking offenses, which

included distributing cocaine within 1,000 feet of a school and playground area.

On July 21, 2005, the District Court sentenced McKinney to concurrent prison terms of life imprisonment on one count and 360 months on the remaining counts, and imposed a special assessment of \$600 (\$100 on each count). McKinney

appealed his convictions, and we affirmed. *United States v. McKinney*, 219 F.

App'x. 921 (11th Cir. 2007).<sup>1</sup> On February 22, 2008, McKinney filed a motion for a new trial based on newly discovered evidence and requested an evidentiary

hearing. The District Court denied McKinney's motion. And, on February 17,

2009, we affirmed the District Court's decision. *United States v. McKinney*, 312 F.

App'x. 247 (11th Cir. 2009).

On March 5, 2008, McKinney moved the District Court to vacate his convictions and sentences pursuant to 28 U.S.C. § 2255. The District Court denied the motion on May 6, 2008. And, on April 6, 2009, we denied a certificate of appealability. On January 27, 2014, McKinney moved the District Court for leave to amend the motion he filed on March 5, 2008. The District Court denied the motion on January 30, 2014, as an attempt to file a successive § 2255 motion without obtaining leave of the Court of Appeals. McKinney now appeals from that decision.

The District Court was correct that it lacked jurisdiction to entertain

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<sup>1</sup> While his appeal was pending, McKinney filed several motions for a new trial. All were denied.

McKinney's successive § 2255 motion. To file such a motion in the District Court, McKinney must first obtain leave of this court. *See* 28 U.S.C. § 2255(h).

AFFIRMED.