

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted December 20, 2011*
Decided June 11, 2012

Before

FRANK H. EASTERBROOK, *Chief Judge*

RICHARD A. POSNER, *Circuit Judge*

ANN CLAIRE WILLIAMS, *Circuit Judge*

No. 11-2544

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

TONY MORRIS,
Defendant-Appellant.

} Appeal from the United
States District Court for
the Eastern District of
Wisconsin.

} No. 02-CR-129
Rudolph T. Randa, *Judge.*

Order

This appeal is a replay of *United States v. Redd*, 630 F.3d 649 (7th Cir. 2011). Defendant asked for a reduction under a retroactive Guideline. The judge reduced the sentence, but not as much as Morris desired. He did not appeal. Several months later, Morris again asked the district judge for a lower sentence. *Redd* holds that this sequence is not permissible. Once a district judge resolves an application under §3582(c)(2), the defendant can't file another—and *Redd* holds that a motion for reconsideration filed after the time for appeal has expired must be treated as a fresh application. Morris's second request, whether treated as a new motion or as a request for reconsideration, therefore was properly denied, and the district court's decision is affirmed.

* This successive appeal has been submitted to the original panel under Operating Procedure 6(b). After examining the briefs and the record, we have concluded that oral argument is unnecessary. See Fed. R. App. P. 34(a); Cir. R. 34(f)