



U.S. Department of Justice

United States Attorney  
District of Minnesota

600 United States Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415  
www.usdoj.gov/minneapolis

(612)444-3400

July 10, 2001

Mr. Michael Gans, Clerk  
U.S. Court of Appeals  
for the Eighth Circuit  
Clerks office  
Thomas F. Eagleton Court House  
Room 24.329, 111 S. 10<sup>th</sup> Street  
St. Louis, Missouri 63102

Re: John Gregory Lambros v. United States  
Eighth Circuit No. 01-2703

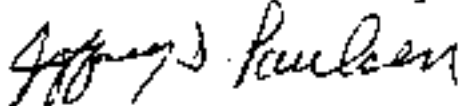
Dear Mr. Gans:

Enclosed please find an original and three copies of the  
Opposition of the United States to Petitioner's Application to file  
Successive Section 2255 Petition.

Petitioner is also being served by copy of this letter and its  
enclosures.

Respectfully submitted,

ROBERT M. SMALL  
United States Attorney

  
BY: JEFFREY S. PAULSEN  
Assistant U.S. Attorney  
Attorney ID Number 144332

JSP:ama  
Enclosures

→ cc: John G. Lambros  
Registration Number 00436-124  
US Penitentiary Leavenworth  
P.O. Box 1000  
Leavenworth, KS 66048-1000

UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT  
No. 01-2703

JOHN GREGORY LAMBROS,	)	
	)	
Appellant,	)	
	)	
v.	)	OPPOSITION OF THE UNITED STATES
	)	TO PETITIONER'S APPLICATION
UNITED STATES OF AMERICA,	)	TO FILE SUCCESSIVE SECTION
	)	2255 PETITION
Appellee.	)	

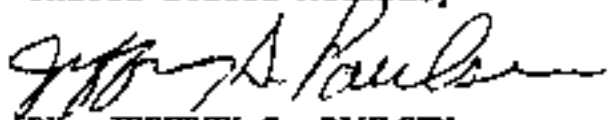
Petitioner John Gregory Lambros seeks to file a successive petition under 28 U.S.C. § 2255 challenging his drug conviction. Specifically, he seeks to raise a claim based on the Supreme Court's decision in Apprendi v. New Jersey, 120 U.S. 2348 (2000). It is undisputed that this would be a successive section 2255 petition.

Petitioner's motion to file a successive section 2255 petition should be denied. This Court already has held that, "because the Supreme Court has not made Apprendi retroactive to cases on collateral review, [a petitioner] is barred from raising the issue in a second or successive § 2255 motion." Abdullah v. United States, 240 F.3d 683, 687 (8th Cir. 2001); see also Rodgers v. United States, 229 F.3d 704, 706 (8th Cir. 2000).

Respectfully submitted,

Dated: July 10, 2001

ROBERT M. SMALL  
United States Attorney



BY: JEFFREY S. PAULSEN  
Assistant U.S. Attorney  
Attorney ID Number 144332