

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

OLADAYO OLADOKUN,

Petitioner,

v.

BUREAU OF PRISONS, *et al.*,

Respondents.

Civil Action No. 06-1595 (CKK)

**MEMORANDUM OPINION**

This matter comes before the Court on review of petitioner's petition for a writ of habeas corpus. The petition will be dismissed.

Generally, petitioner challenges his sentence and supervised release term on the ground that the Supreme Court's decision in *United States v. Booker*, 543 U.S. 220 (2005), renders the United States Sentencing Guidelines constitutionally invalid. A challenge of this nature must be brought in the sentencing court by motion pursuant to 28 U.S.C. § 2255. *See Taylor v. United States Board of Parole*, 194 F.2d 882, 883 (D.C. Cir. 1952) (per curiam) (where petitioner attacks constitutionality of statute under which he was convicted and sentenced, proper remedy is by § 2255 motion). Petitioner was convicted and sentenced in the United States District Court for the District of Maryland. Pet. ¶ 46; *see United States v. Oladokun*, 166 F.3d 336 (4<sup>th</sup> Cir. 1998) (per curiam) (affirming conviction and sentence for bank fraud and being a felon in possession of a firearm) (table). Because petitioner was not sentenced in this Court, this action cannot proceed here.

Furthermore, § 2255 specifically provides that:

[a]n application for a writ of habeas corpus in behalf of a prisoner who is authorized to apply for relief by motion pursuant to [28 U.S.C. § 2255], shall not be entertained if it appears that the applicant has failed to apply for relief, by motion, to the court which sentenced him, or that such court has denied him relief, unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of his detention.

28 U.S.C. § 2255 (emphasis added). Petitioner's lack of success in a prior motion under § 2255, *United States v. Oladokun*, 229 F.3d 1145 (4<sup>th</sup> Cir. 2000) (per curiam) (denying certificate of appealability and dismissing appeal of district court's order denying § 2255 motion) (table), does not render the remedy inadequate or ineffective. *See Boyer v. Conaboy*, 983 F.Supp. 4, 8 (D.D.C. 1997). Petitioner cannot evade the statutory scheme by filing a petition for writ of habeas corpus in this Court. *See* 28 U.S.C. § 2244(a).

An Order consistent with this Memorandum Opinion is issued separately on this same date.

  
United States District Judge

Date: Nov. 2, 2006