

MORRIS BROWN OKOLO,
Petitioner,
v.
ALBERTO GONZALES *et al.*,
Respondents.

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) **Civil Action No. 07-0449 (RBW)**
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In this action seeking a writ of *habeas corpus*, petitioner challenges his conviction entered by the United States District Court for the Southern District of Texas on the bases that the sentencing court lacked subject matter jurisdiction and he received ineffective assistance of counsel. Such claims must be presented to the sentencing court by motion under 28 U.S.C. § 2255 (2006). *See Taylor v. United States Board of Parole*, 194 F.2d 882, 883 (D.C. Cir. 1952) (§ 2255 motion is the proper vehicle for challenging the constitutionality of the statute under which a defendant is convicted); *Ojo v. Immigration & Naturalization Service*, 106 F.3d 680, 683 (5th Cir. 1997) (the sentencing court is the only court with jurisdiction to hear defendant's complaint regarding errors that occurred before or during sentencing). Under this statute:

28 U.S.C. § 2255. The petition presents no basis for finding petitioner's § 2255 remedy inadequate

or ineffective. This Court therefore is without jurisdiction to entertain it, and this case must be dismissed.¹

Dated: April 17, 2007

s/
Reggie B. Walton
United States District Judge

¹ A separate order of dismissal accompanies this Memorandum Opinion.