

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

FREDERICK H. BANKS,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 08-0194 (EGS)
)	
ATTORNEY GENERAL OF THE)	
UNITED STATES, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM OPINION

“In 2004, a jury convicted Frederick H. Banks of mail fraud, copyright infringement, money laundering, uttering and possession of counterfeit and forged securities, and witness tampering[.]” and he “was sentenced to sixty months of imprisonment, to be followed by three years of supervised release.” *United States v. Banks*, 296 Fed. Appx. 234 (3d Cir. 2008). The Third Circuit affirmed the judgment and sentence, *see United States v. Vampire Nation*, 451 F.3d 189 (3d Cir. 2006), and the Supreme Court denied Banks’ petition for certiorari. *See Banks v. United States*, 549 U.S. 970 (2006).

Banks now alleges that he a “Native American and member of an Indian tribe” who is “unlawfully confined in federal prison” because he has a “judgment from a Trial Court invalidating his federal convictions.” Pet. at 3. He demands his immediate release. *Id.* at 8.

The Court construes the petition as a challenge to the sentencing court’s jurisdiction, and any argument that the sentencing court “lacked jurisdiction over him – no matter what the basis of that argument – must be raised in a petition brought pursuant to 28 U.S.C. § 2255.” *United*

States v. Banks, Crim. No. 04-176, 2009 WL 440369, at *1 (M.D. Pa. Feb. 23, 2009). This Court does not have jurisdiction to address the issues presented here “as they regard the actual validity of his conviction and sentence and are the proper subject for a § 2255 motion which must be pursued in the United States District Court for the Western District of Pennsylvania where he was convicted and sentenced.” *Banks v. Pearson*, No. 5:08cv313, 2009 WL 161666, at *2 (S.D. Miss. Jan. 22, 2009).

The Court therefore will deny the petition and dismiss this civil action. An Order consistent with this Memorandum Opinion is issued separately.

Signed: EMMET G. SULLIVAN
United States District Judge

Dated: March 5, 2009