

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

RAUL CAMARGO FLORES,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civil Action No. 08-0387 (JR)
	:	
MICHAEL MUKASEY <i>et al.</i> ,	:	
	:	
	:	
Respondents.	:	

MEMORANDUM OPINION

Petitioner challenges his conviction in the United States District Court for the Northern District of Texas, arguing that the sentencing court lacked subject matter jurisdiction and that he received ineffective assistance of counsel. He is in the wrong court. His claims must be pursued in the sentencing court by motion under 28 U.S.C. § 2255. *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).

An application for a writ of habeas corpus in behalf of a prisoner who is authorized to apply for relief by motion pursuant to [§ 2255] shall not be entertained if it appears that the applicant has failed to apply for [§ 2255] 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. Petitioner’s assertion that his remedy is inadequate because “[t]he Legislative-Territorial Court wherein the issue now complained arose lacks the Constitutional authority to

entertain and to adjudicate the issue,” Pet. at 3, is baseless. *See* 28 U.S.C. § 132 (establishing United States district courts “in each judicial district”). A separate order of dismissal accompanies this Memorandum Opinion.

JAMES ROBERTSON
United States District Court