

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**

**MAY 27 2011**

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

MAURICE EDWARD HUGHLEY,

Petitioner,

v.

BARACK OBAMA, *et al.*,

Respondents.

Civil Action No.

**11-1989**

**MEMORANDUM OPINION**

Petitioner, who is incarcerated at the Federal Correctional Institution in Butner, North Carolina, alleges that he is unlawfully detained following his conviction in and sentence imposed by the United States District Court for the Eastern District of Tennessee. Generally, petitioner contends that the sentencing court lacked subject matter jurisdiction, and, consequently, that his detention is unlawful. The petition will be denied.

Where, as here, petitioner challenges the jurisdiction of the federal court imposing sentence or attacks the constitutionality of his conviction, he must do so in a motion in the sentencing court under 28 U.S.C. § 2255. *See Ojo v. Immigration & Naturalization Serv.*, 106 F.3d 680, 683 (5th Cir. 1997) (stating that a motion under Section 2255 “is the proper means of attacking errors that occurred during or before sentencing”); *Taylor v. U.S. Board of Parole*, 194 F.2d 882, 883 (D.C. Cir. 1952) (stating that a motion under Section 2255 is the proper vehicle for challenging the constitutionality of a statute under which a defendant is convicted). Moreover,

[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.

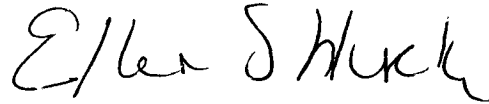
§ 2255], shall not be entertained if it appears that the applicant has failed to apply for relief, by motion, to the court which sentenced him, or that such court has denied him relief, unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of his detention.

28 U.S.C. § 2255(e). The petitioner has not shown that his available remedy is inadequate or ineffective.

The Court therefore will dismiss the petition without prejudice. An Order consistent with this Memorandum Opinion is issued separately on this same date.

DATE:

5/25/11

A handwritten signature in black ink, appearing to read "Ellen S. Huck". The signature is written in a cursive, flowing style.

United States District Judge