

FILED

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

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Franklin L. Williams,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 17-2059 (UNA)
)	
)	
United States of America <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM OPINION

Petitioner is incarcerated at a federal facility in Jesup, Georgia. Appearing *pro se*, petitioner has filed a “Motion of Last Resort” in which he seeks habeas relief under 28 U.S.C. § 2255. Because there is no indication that petitioner was convicted in this court, jurisdiction is lacking. Therefore, this case will be dismissed.

Section 2255(a) states:

A prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States . . . or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence.

In addition:

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 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). Petitioner has been denied relief under § 2255 many times over. *See* Ex. 10, ECF No. 1-1 at 17-18 (U.S. District Court for the Southern District of Georgia noting that petitioner “has filed, in this Court alone, at least twenty-four (24) Section 2255 motions”). Therefore, he must seek permission from the appropriate court of appeals to file a successive petition in the sentencing court. 28 U.S.C. § 2255(h). In any event, petitioner has absolutely no recourse in this court. A separate order of dismissal accompanies this Memorandum Opinion.

DATE: November 8, 2017



United States District Judge