

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

DEC 21 2017

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

Franklin L. Williams,)
)
 Petitioner,)
)
 v.)
)
)
 United States of America,)
)
 Respondent.)

Civil Action No. 17-2399 (UNA)

MEMORANDUM OPINION

Petitioner, who is incarcerated at a federal facility in Jesup, Georgia, has filed a motion to vacate his sentence seeking relief under 28 U.S.C. § 2255. Because there is no indication that petitioner was convicted in this federal district 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).

Since 2008, this petitioner 26 motions under 28 U.S.C. § 2255 in the United States District Court for the Southern District of Georgia, 25 of which either “were denied on the merits or as being an unauthorized second or successive Section 2255 motion.” *Williams v. United States*, No. 2:17-cv-27, 2017 WL 4399548, at *1 (S.D. Ga. Oct. 3, 2017) (Magistrate Judge Report and Recommendation), *adopted*, 2017 WL 5474055 (S.D. Ga. Nov 13, 2017). And as this court recently advised, petitioner cannot proceed without permission from the appropriate court of appeals to file a successive petition in the sentencing court. 28 U.S.C. § 2255(h).

Petitioner has absolutely no recourse in this court, and this matter will be dismissed. An Order is issued separately.

DATE: December 21, 2017


United States District Judge