

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

Chad Allen Beers,

Petitioner,

v.

Case No. 16-3051-JWL

Claude Maye,

Respondent.

MEMORANDUM & ORDER

In February 2016, petitioner Chad Allen Beers, a federal prisoner appearing pro se, filed a petition for writ of habeas corpus under 28 U.S.C. § 2241. The court summarily dismissed the petition for lack of jurisdiction based on its conclusion that the petition asserted challenges that could be raised only through a motion filed with the sentencing court under 28 U.S.C. § 2255. *See Davis v. United States*, 417 U.S. 333, 345-46 (1974) (§ 2255 motions are exclusive means by which federal prisoner can challenge conviction or sentence that allegedly is in violation of Constitution or federal laws or that is otherwise subject to collateral attack). This matter is now before the court on Mr. Beers' motion to alter or amend the court's memorandum and order dismissing the petition for lack of jurisdiction. In that motion, Mr. Beers raises the same arguments that he asserted in his initial petition. The motion, then, is denied. Suffice it to say, § 2241 is the not appropriate avenue for Mr. Beers to assert the challenges set forth in his petition and he has not met his burden of establishing that § 2255 is inadequate or ineffective. Moreover, the court remains unpersuaded by Mr. Beers' continued insistence that the Tenth Circuit in *Beers v. Maye*, 611 Fed. Appx. 933 (10th Cir. May 27, 2015) made new "factual

determinations” regarding his conviction based on “new evidence” that now permits him to challenge his conviction in this court pursuant to § 2241.

IT IS THEREFORE ORDERED BY THE COURT THAT Mr. Beers’ motion to alter or amend (doc. 11) is summarily denied.

IT IS SO ORDERED.

Dated this 7th day of April, 2016, at Kansas City, Kansas.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge