

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

**Mark Alan Lane,**

**Petitioner,**

**v.**

**Case No. 16-3056-JWL**

**Claude Maye,**

**Respondent.**

**MEMORANDUM & ORDER**

In early March 2016, petitioner Mark Alan Lane, 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). Shortly thereafter, Mr. Lane filed a motion to vacate or rescind the judgment and another petition for writ of habeas corpus (which was slightly modified but presented the same claims). The court summarily denied the motion and dismissed the petition for lack of jurisdiction.

This matter is now before the court on Mr. Lane's motion to alter or amend the court's most recent order. In that motion, Mr. Lane raises the same arguments that he has raised since the filing of his initial petition. The motion, then, is denied. Suffice it to say, § 2241 is the not

appropriate avenue for Mr. Lane to assert the challenges set forth in his petitions and he has not met his burden of establishing that § 2255 is inadequate or ineffective.

**IT IS THEREFORE ORDERED BY THE COURT THAT** Mr. Lane's motion to alter or amend (doc. 10) is summarily denied.

**IT IS SO ORDERED.**

Dated this 31<sup>st</sup> day of March, 2016, at Kansas City, Kansas.

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