

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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EDDIE BAKER,

Petitioner,

ORDER

v.

07-C-122-S

RICHARD SCHNEITER,

Respondent.

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Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241. Respondent filed his response on April 16, 2007 and petitioner replied on April 24, 2007.

FACTS

Petitioner was convicted in the United States District Court for the Eastern District of Wisconsin after a jury trial of one count of being a felon in possession of a firearm. On December 5, 2002 the District Court sentenced petitioner to 327 months in prison to be served concurrently with his existing state sentence. Petitioner appealed his conviction. On January 22, 2004 the United States Court of Appeals for the Seventh Circuit affirmed petitioner's conviction. His petition for certiorari was denied by the United States Supreme Court on May 17, 2004.

On September 29, 2004 petitioner filed a motion to vacate, set aside or correct his sentence under 28 U.S.C. § 2255 in the United

States District Court for the Eastern District of Wisconsin. The motion was denied by the Court on October 28, 2005. Petitioner appealed the decision to the United States Court of Appeals for the Seventh Circuit. His appeal was dismissed on April 7, 2006. On July 7, 2006 the United States Supreme Court denied petitioner's petition for certiorari.

#### MEMORANDUM

Petitioner is challenging his federal conviction. He has challenged that conviction in the sentencing court under 28 U.S.C. § 2255 and the Court denied him relief.

28 U.S.C. § 2255 which states as follows:

An application for a writ of habeas corpus on behalf of a prisoner who is authorized to apply for relief pursuant to this section, shall not be entertained if it appears that the applicant has failed to apply for relief by motion to the court which has sentenced him, or that such court denied him relief, unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of his detention.

Petitioner has not demonstrated that his 28 U.S.C. § 2255 motion in the sentencing court was inadequate or ineffective to test the legality of his conviction. See Cooper v. United States, 199 F.3d 898, 901 (7<sup>th</sup> Cir. 1999). Accordingly, petitioner's petition for a writ of habeas corpus under 28 U.S.C. § 2241 must be dismissed.

Petitioner is advised that in any future proceedings in this matter he must offer argument not cumulative of that already

provided to undermine this Court's conclusion that his claim must be dismissed. See Newlin v. Helman, 123 F.3d 429, 433 (7<sup>th</sup> Cir. 1997) .

ORDER

IT IS ORDERED that petitioner's petition for a writ of habeas corpus is DISMISSED with prejudice.

Entered this 25<sup>th</sup> day of April, 2007.

BY THE COURT:

S/

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JOHN C. SHABAZ  
District Judge