

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

ANDREW GROSS III,

Petitioner,

v.

R. WERLINGER, WARDEN,
FCI-OXFORD,

Respondent.

ORDER

13-cv-508-wmc

On October 10, 2013, the court dismissed the habeas corpus petition filed by the petitioner, Andrew Gross III, for lack of subject matter jurisdiction under 28 U.S.C. § 2241, because he failed to show that he had no adequate opportunity to present his claims under 28 U.S.C. § 2255. Gross has now filed motions to alter or amend the judgment pursuant to Fed. R. Civ. P. 59(e) and for leave to supplement his petition under Fed. R. Civ. P. 15. Both motions must be denied because Gross does not establish that the dismissal order was incorrect or that any of his claims are actionable under § 2241.

ORDER

IT IS ORDERED that the motion to alter or amend the judgment pursuant to Fed. R. Civ. P. 59(e) (dkt. # 12) and the motion for leave to amend or supplement the petition under Fed. R. Civ. P. 15 (dkt. # 13) are DENIED.

Entered this 25th day of October, 2013.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge