

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

JOEL HAGEN,

Petitioner,

ORDER

v.

06-C-296-S

ALBERTO GONZALES

Respondent.

The above petition for a writ of habeas corpus was transferred to this Court by the United States District Court for the District of Columbia.

Petitioner alleges that he is incarcerated at the Federal Medical Center, Rochester, Minnesota. He is challenging his sentence imposed by this Court on November 19, 1999. Petitioner's remedy lies under 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 filed a 28 U.S.C. § 2255 motion in this Court which was denied on July 8, 2003. Petitioner has not shown that this remedy was inadequate. Petitioner may petition the United

States Court of Appeals for the Seventh Circuit where he wishes to file a second 28 U.S.C. § 2255 motion. 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 (7th Cir. 1997).

ORDER

IT IS ORDERED that petitioner's petition for a writ of habeas corpus is DISMISSED without prejudice.

Entered this 1st day of June, 2006.

BY THE COURT:

S/

JOHN C. SHABAZ
District Judge