

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

MICHAEL TROY OLSON,

Petitioner,

v.

CAROL HOLINKA,

Respondent.

ORDER

10-cv-824-bbc

In this petition for a writ of habeas corpus under 28 U.S.C. § 2241, federal prisoner Michael Troy Olson is challenging his 2005 conviction for possession of a firearm as a felon, the same conviction he challenged in a petition he filed in 2009. Olson v. Holinka, 09-cv-161-slc. As I explained to petitioner in his previous case, the general rule is that a federal prisoner seeking to attack his conviction or sentence must do so on direct appeal or in a motion filed under 28 U.S.C. § 2255. Kramer v. Olson, 347 F.3d 214, 217 (7th Cir. 2003). Relief under § 2241 is available only when a motion under § 2255 is “inadequate or ineffective to test the legality of [the prisoner’s] detention.” 28 U.S.C. § 2255(e).

Petitioner was unable to make this showing in case no. 09-cv-161-slc, despite multiple opportunities to do so. He does not even attempt to make the showing in his new petition. He cites the petition clause of the First Amendment, suggesting that the limitation in §

2255(e) violates his right to petition the government for redress of grievances. If that is his argument, it is a frivolous one. The First Amendment may guarantee petitioner's right to complain, but it does not guarantee relief under a particular statute or any relief at all.

ORDER

IT IS ORDERED that petitioner Michael Troy Olson's petition for a writ of habeas corpus under 28 U.S.C. § 2241 is DENIED for his failure to show that his petition satisfies the standard under 28 U.S.C. § 2255(e).

Entered this 31st day of January, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge