

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

ANDREW COX,)	CASE NO. 4:16 CV 1981
)	
Petitioner,)	JUDGE DONALD C. NUGENT
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
UNITED STATES,)	<u>AND ORDER</u>
)	
Respondent.)	

On August 18, 2016, petitioner *pro se* Andrew Cox, an inmate at the Federal Correctional Institution at Elkton (“FCI Elkton”), filed the above-captioned habeas corpus action under 28 U.S.C. § 2241. Cox seeks to challenge his convictions in the United States District Court for the District of New Jersey on six counts of distributing child pornography. As grounds for the petition, he asserts that his 28 U.S.C. § 2255 action has not been ruled on, thereby constituting suspension of his right to habeas corpus.

As a threshold matter, this is the *fourth* 2241 action filed by Cox in this court. Most recently, his petition was denied as barred by the doctrine of claim preclusion. *Cox v. U.S.*, N.D. Ohio Case No. 4:16 CV 1236 (July 1, 2016). Further, his 2255 case has been pending only since January 20, 2016. *See, Cox v. U.S.*, D.New Jersey No. 2:16 CV 345. This does not, as a matter of law, constitute “suspension” of his right to habeas corpus. Moreover, Cox has adequate remedies at law if he believes the trial court is not handling his 2255 petition in a timely manner.

Accordingly, this action is dismissed pursuant to 28 U.S.C. § 2243. The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Donald C. Nugent 9/9/16

DONALD C. NUGENT
UNITED STATES DISTRICT JUDGE