

United States Court of Appeals  
For the Eighth Circuit

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No. 17-2363

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Steven E. Hill

*Plaintiff - Appellant*

v.

C.V. Rivera, Warden

*Defendant - Appellee*

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Appeal from United States District Court  
for the Eastern District of Arkansas - Helena

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Submitted: May 15, 2018

Filed: May 29, 2018

[Unpublished]

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Before BENTON, BOWMAN, and KELLY, Circuit Judges.

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PER CURIAM.

Steven E. Hill appeals after the district court dismissed his 28 U.S.C. § 2241 petition. Having jurisdiction under 28 U.S.C. § 1291, this court affirms in part, vacates in part, and remands the case for further proceedings.

Hill is a federal inmate who was tried and convicted on several charges in a military court-martial. Upon de novo review, the judgment is affirmed as to Hill's claim of insufficient evidence to support his conviction. *See Lopez-Lopez v. Sanders*, 590 F.3d 905, 907 (8th Cir. 2010), *Allen v. U.S. Air Force*, 603 F.3d 423, 431 (8th Cir. 2010) ("it is not our duty to stand in the stead of the military courts to reexamine and weigh each item of evidence of the occurrence of events which tend to prove or disprove one of the allegations in the application for relief" (internal quotation marks omitted)). The judgment also is affirmed to the extent Hill argued that the military court-martial lacked jurisdiction solely due to his break in military service. *See* 10 U.S.C. § 803(a) (subject to statute of limitations, person who is in a status in which person is subject to Uniform Code of Military Justice (UCMJ) and who committed offense against UCMJ while formerly in status in which person was subject to UCMJ is not relieved from amenability to UCMJ jurisdiction for that offense by reason of termination of that person's former status).

To the extent Hill asserted an argument based on the applicable statute of limitations, the judgment is vacated and the matter is remanded for the parties and the district court to reconsider this case in light of *United States v. Mangahas*, 77 M.J. 220 (C.A.A.F. 2018).

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