

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION

CARLINE DEMESYEUX,)	
)	
Petitioner)	
)	
vs.)	Case No. 7:17-cv-00714-KOB-HNJ
)	
PATRICIA BRADLEY, Warden,)	
)	
Respondent)	

MEMORANDUM OPINION

On June 12, 2017, the magistrate judge entered a report recommending that the court deny the habeas petition filed pursuant to 28 U.S.C. § 2241 because § 2255 provides an adequate and effective remedy for her claim. (Doc. 3). On June 20, 2017, the petitioner filed a “Motion to Dismiss Report and Recommendation of Respondents of 6/12/17; Notice and Demand to Vacate for Lack of Federal Legislative Criminal Jurisdiction,” which the court construes as objections to the magistrate judge’s report and recommendation. (Doc. 4).

In her objections, the petitioner agrees that she could bring her jurisdictional challenge in her initial § 2255 petition, but alleges that “she did not have the new evidence at the time. She has discovered this new evidence recently.” (Doc. 4 at 4). However, she fails to specifically identify this “new evidence” or explain how she

could not have discovered this evidence prior to filing her § 2255 petition. After reviewing the instant petition and her objections, the court agrees with the magistrate judge that the petitioner could have brought her jurisdictional challenges to her conviction in her initial § 2255 petition and, therefore, has no basis for her § 2241 petition. The court OVERRULES all of the petitioner's objections.

After *de novo* consideration of the record in this case, including the magistrate judge's report and recommendation and the petitioner's objections, the court hereby ADOPTS the report of the magistrate judge and ACCEPTS his recommendation that the court deny the petition for writ of habeas corpus.

The court will enter a separate order in conformity with this Memorandum Opinion.

DONE and ORDERED this 16th day of October, 2017.



KARON OWEN BOWDRE
CHIEF UNITED STATES DISTRICT JUDGE