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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DONNELL HATCHER,
Petitioner,

No. C 11-5786 WHA (PR)
ORDER OF DISMISSAL


v.

UNITED STATES OF AMERICA,
Respondent.

Petitioner, a federal prisoner, filed a pro se petition for a writ of habeas corpus pursuant to 28 U.S.C. 2241. The petition challenges his conviction and sentence in federal court in the Northern District of Alabama on the grounds that he is “actually and factually innocent” of the charges. A prisoner may not attack collaterally a federal conviction or sentence by way of a petition for a writ of habeas corpus pursuant to 28 U.S.C. 2241. *Grady v. United States*, 929 F.2d 468, 470 (9th Cir. 1991). Such a challenge must be brought in the district of conviction via a motion under 28 U.S.C. 2255. *See id.* The fact that petitioner has previously filed a Section 2255 motion that was denied does not alter this conclusion. A federal prisoner may not challenge his conviction under Section 2241 simply because, as here, a previous Section 2255 motion was denied. *See Aronson v. May*, 85 S. Ct. 3, 5 (1964); *Tripati v. Henman*, 843 F.2d 1160, 1163 (9th Cir. 1987). Accordingly, the petition for a writ of habeas corpus is **DISMISSED**.

IT IS SO ORDERED.

Dated: December 20, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE

United States District Court
For the Northern District of California