



In the instant petition, petitioner again attempts to raise an ineffective assistance of trial counsel claim. This Court may to entertain a claim of trial court error or ineffective assistance of trial counsel only in limited circumstances, *see Williams v. Martinez*, 586 F.3d 995, 999 (D.C. Cir. 2009), none of which is evident here. D.C. Code § 23-110 “entirely divest[s] the federal courts of jurisdiction to hear habeas corpus petitions by prisoners who had a [§] 23-110 remedy available to them, unless the petitioner could show that the [§] 23-110 remedy was ‘inadequate or ineffective.’” *Blair-Bey v. Quick*, 151 F.3d 1036, 1042 (D.C. Cir. 1998) (citing D.C. Code § 23-110(g)); *see Reyes v. Rios*, 432 F. Supp. 2d 1, 3 (D.D.C. 2006) (stating that D.C. Code § 23-110 “provided the petitioner with a vehicle for challenging his conviction based on the alleged ineffectiveness of his trial counsel”); *see also Garmon v. United States*, 684 A.2d 327, 329 n.3 (D.C. 1996) (“A motion to vacate sentence under [§] 23-110 is the standard means of raising a claim of ineffective assistance of trial counsel.”).


Petitioner has availed himself of the remedies available to him in the District of Columbia courts -- by direct appeal, by motion in the Court of Appeals to recall the mandate, and by motion in the Superior Court under § 23-110. His lack of success does not render his local remedies inadequate or ineffective. *See Wilson v. Office of the Chairperson*, 892 F. Supp. 277, 280 (D.D.C. 1995).

To the extent petitioner has raised an ineffective assistance of counsel claim as to counsel retained to represent him in the Superior Court for his first § 23-110 motion, the claim fails. While a criminal defendant enjoys a right to the effective assistance of counsel on his first appeal as of right, *Evitts v. Lucey*, 469 U.S. 387, 396 (1985), there is no such constitutional entitlement to effective assistance of counsel in state collateral proceedings, *Coleman v. Thompson*, 501 U.S. 722, 752 (1991).

Petitioner has no recourse in this federal district court. The Court will deny the petition and dismiss this action. An Order is issued separately.

DATE:

9/1/2015

  
United States District Judge