

**In the United States District Court  
For the Southern District of Georgia  
Brunswick Division**

FRANKLIN L. WILLIAMS,	*	
	*	
Petitioner,	*	CIVIL ACTION NO.: 2:17-cv-80
	*	
v.	*	
	*	
J.V. FLOURNOY, Warden,	*	
	*	
Respondent.	*	

**ORDER**

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, dkt. no. 8, to which Petitioner Franklin Williams ("Williams") filed Objections, dkt. no. 9. In his Objections, Williams contends he set forth a new claim in his 28 U.S.C. § 2241 Petition—his right to have counsel of his own choosing—which allows him to use the saving clause of 28 U.S.C. § 2255(e) to proceed with his Section 2241 Petition. Even if this were a new claim, Williams cannot proceed with his Petition via the saving clause. Put succinctly, Section 2241 is the proper avenue for post-conviction relief in limited circumstances, such as when the remedy afforded by 28 U.S.C.

§ 2255 is "inadequate or ineffective". 28 U.S.C. § 2254(e). Section 2241 cannot be used, however, if the petitioner could have raised a claim in a Section 2255 motion. McCarthan v. Dir. of Goodwill Indus.-Suncoast, Inc., 851 F.3d 1076 (11th Cir. 2017). To the extent Williams asserts he raised a "new" claim with his latest Section 2241 Petition, such an attempt fails. Williams has filed numerous post-conviction motions and petitions in this Court, and his failure to raise any new claim until now does not render Section 2255's remedy "ineffective or inadequate".

The Court **OVERRULES** Williams' Objections and **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court. The Court **DISMISSES** Williams' Petition brought pursuant to 28 U.S.C. § 2241 and **DIRECTS** the Clerk of Court to **CLOSE** this case and to enter the appropriate judgment of dismissal. The Court **DENIES** Williams *in forma pauperis* status on appeal.

SO ORDERED, this 9 day of November, 2017.

HON. LISA GODBEY WOOD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA