

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION**

| | | |
|----------------------------|---|---------------------------|
| FREDERICK WILLIAM STIDHAM, |) | |
| |) | |
| Petitioner, |) | |
| vs. |) | No. 2:14-cv-00296-JMS-WGH |
| |) | |
| WARDEN, FCI – Terre Haute, |) | |
| |) | |
| Respondent. |) | |

Entry Dismissing Action and Directing Entry of Final Judgment

I.

Habeas petitioner Stidham is a federal prisoner currently incarcerated at the Federal Correctional Complex at Terre Haute, Indiana. Stidham is serving a term of imprisonment of 235 months imposed by the United States District Court for the District of Wyoming pursuant to Stidham’s conviction for being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(e). He was sentenced as an armed career criminal (“ACCA”).

Stidham seeks habeas corpus relief pursuant to 28 U.S.C. § 2241 based on his claim that the ACCA enhancement was unwarranted.

A “federal prisoner should be permitted to seek habeas corpus only if he had no reasonable opportunity to obtain earlier judicial correction of a fundamental defect in his conviction or sentence because the law changed after his first § 28 U.S.C. § 2255 motion.” *Hill v. Werlington*, 695 F.3d 644, 648 (7th Cir. 2012); *see also In re: Davenport*, 147 F.3d 605, 611 (7th Cir. 1998).

Stidham has not made such a showing. Moreover, he has not established that his prior criminal history would not expose him to an ACCA enhanced sentence.

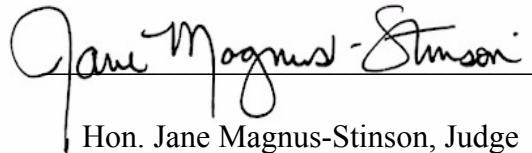
Stidham has sought relief pursuant to 28 U.S.C. § 2241 under circumstances which do not permit or justify the use of that remedy. His petition for a writ of habeas corpus is **denied**.

II.

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: January 26, 2015

A handwritten signature in black ink that reads "Jane Magnus-Stinson". The signature is written in a cursive style with a horizontal line underlining the name.

Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

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