

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION at PIKEVILLE

JOSE CRISTOBAL CARDONA,

Petitioner,

V.

GREGORY KIZZIAH, Warden,

Respondent.

Civil No. 7: 17-91-KKC

**MEMORANDUM OPINION  
AND ORDER**

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Federal inmate Jose Cristobal Cardona has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge the Bureau of Prisons' decision not to seek compassionate release on his behalf pursuant to 18 U.S.C. § 3582(c). Cardona argued to the BOP that he is entitled to compassionate release on the ground that he is being held in "involuntary servitude" because he was forced to represent himself at trial, resulting in his conviction. [R. 1]

The Court conducts an initial review of habeas corpus petitions. 28 U.S.C. § 2243; *Alexander v. Northern Bureau of Prisons*, 419 F. App'x 544, 545 (6th Cir. 2011). Cardona's "involuntary servitude" argument is nothing more than a challenge to his conviction itself, a claim that has been repeatedly rejected in prior collateral review proceedings before this and other courts. See *Cardona v. Sepanek*, No. 7: 16-CV-83-KKC (E.D. Ky. June 21, 2016), *aff'd*, No. 16-6524 (6th Cir. Mar. 21, 2017). His request for compassionate release was therefore patently frivolous, and the BOP did not act improperly in rejecting it. In addition, the BOP's decision is not reviewable by this Court, *Crowe v. United States*, 430 F. App'x 484 (6th Cir. 2011), and only the sentencing court - not this court - may grant relief under Section 3582, *Caudill v. Hickey*, No. 12-CV-7-KKC, 2012 WL 2524234 (E.D. Ky. June 29, 2012).

Accordingly, **IT IS ORDERED** that:

1. Cardona's petition [R. 1] is **DENIED**.
2. The Court will enter an appropriate judgment.
3. This matter is **STRICKEN** from the active docket.

Dated June 5, 2017.



*Karen K. Caldwell*

KAREN K. CALDWELL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY