

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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|---------------------------|---|----------------------|
| CORTNEY WARD, |) | |
| |) | |
| Movant, |) | |
| |) | |
| v. |) | No. 4:17-CV-2331 AGF |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM AND ORDER

This matter is before the Court upon review of the record. On January 23, 2018, the Court ordered movant to show cause as to why the Court should not dismiss movant’s motion to vacate, set aside or correct his sentence, brought pursuant to 28 U.S.C. § 2255 as time-barred. The Court also asked movant to respond to the Court’s analysis of his claims, seemingly brought pursuant to 28 U.S.C. § 2241, but non-cognizable under 28 U.S.C. § 2255.

Movant has failed to respond to the Court’s Memorandum and Order, despite being given adequate time to do so. Having carefully reviewed this case in its entirety, the Court adopts the January 23, 2018 Memorandum and Order by reference and concludes that the instant action is time-barred under 28 U.S.C. § 2255. Further, movant’s arguments relating to the execution of his sentence are non-cognizable under 28 U.S.C. § 2255.¹

Accordingly,

¹Movant asserts that he would like his remaining time in custody to be spent in federal prison, and he asks for his state sentences in Docket Nos. 1422-CR00112-01 and 1522-CR01777-01 to run concurrent with all other cases. Furthermore, despite the plain wording of his federal sentence in *United States v. Ward*, No. 4:15CR38 AGF (E.D. Mo.), he claims that his federal sentence was not supposed to run consecutive to his “non-imposed” state sentence.” Thus, he seeks that all sentences run concurrent, and he asks for his federal jail time to be credited. These issues relate to the execution of movant’s sentence and are not cognizable in a § 2255 motion. Rather, these claims should be raised pursuant to 28 U.S.C. § 2241.

IT IS HEREBY ORDERED that movant's motion to vacate, set aside, or correct illegal sentence pursuant to 28 U.S.C. § 2255 is **DENIED AND DISMISSED AS TIME-BARRED**.


Rule 4 of the Rules Governing § 2255 Proceedings.

IT IS FURTHER ORDERED that movant's arguments relating to the execution of his sentence are **NON-COGNIZABLE** under 28 U.S.C. § 2255.

IT IS FURTHER ORDERED that the Court will not issue a Certificate of Appealability. 28 U.S.C. § 2253.

A separate Order of Dismissal shall accompany this Memorandum and Order

Dated this 7th day of March, 2018.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE