

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JAIME LAMON ESQUIVEL,)
)
 Petitioner,)
)
 v.)
)
 CHUCK MAIORANA, d.b.a.)
 Custodian/Trustee Respondent,)
 RESPONDENT SUPERIORS, and)
 SUPERVISED PERSONS,)
)
 Respondents.)
)

8:15CV244

MEMORANDUM AND ORDER

Jaime Lamon Esquivel files frivolous motions and petitions, and I know this because I have dealt with Mr. Esquivel many times before. With that experience in mind, there are three reasons why I will dismiss this matter. I briefly set them forth below.

First Reason: To the extent that Esquivel challenges the execution of his sentence (262 months in prison), I have no jurisdiction under 28 U.S.C. § 2241 since Esquivel is not held in Nebraska. *See Matheny v. Morrison*, 307 F.3d 709, 711 (8th Cir.2002) (“A petitioner may attack the execution of his sentence through § 2241 in the district where he is incarcerated; a challenge to the validity of the sentence itself must be brought under § 2255 in the district of the sentencing court.”).

Second Reason: In effect, this is an improper second or successive section 2255 motion and the Court of Appeals has not given Esquivel permission to proceed as required by 28 U.S.C. §§ 2244(b), 2255(h). (See, for example, filing no. 190, filing no. 191, filing no. 193, filing no. 194, filing no. 211, filing no. 212, filing 214, filing no. 231, filing no. 232, and filing no. 233 in 4:06CR3027.)

Third Reason: Esquivel's motion is frivolous. It is filled with nothing but gibberish.

IT IS ORDERED that this action is dismissed with prejudice. A separate judgment will be entered. No certificate of appealability will be issued by me.

DATED this 15th day of July, 2015.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge