

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TYLER J. KEUP,)	8:15CV335
)	
Petitioner,)	
)	
v.)	MEMORANDUM
)	AND ORDER
C. V. RIVERA, (Warden),)	
)	
Respondent.)	

This matter is before the court on a preliminary review of Tyler Keup’s habeas corpus petition brought pursuant to [28 U.S.C. § 2241](#). On September 23, 2013, Keup pled guilty in this court to conspiracy to distribute and possess with intent to distribute five grams or more of methamphetamine. (*See USA v. Keup*, Case No. 8:13-cr-00045-JFB-TDT.) In this case, he asks the court to declare his state court conviction for manslaughter void so that he may be eligible for early release on his federal sentence. Keup is incarcerated in a Federal Correctional Institution in Forrest City, Arkansas. (Filing No. [1 at CM/ECF p. 1.](#))

This court does not have jurisdiction under [28 U.S.C. § 2241](#) because Keup is not incarcerated 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.”). Moreover, with exceptions not relevant here, Keup cannot challenge his sentence under § 2255 because he “knowingly and expressly waive[d] any and all rights to contest [his] conviction and sentence in any post-conviction proceedings, including any proceeding under 28 U.S.C. § 2255.” (*See* 8:13-cr-00045-JFB-TDT at Filing No. 46.)

Accordingly, Keup is not entitled to the relief he seeks in this court under either §§ 2241 or 2255.

IT IS THEREFORE ORDERED THAT: This action is dismissed without prejudice, and this court will not issue a certificate of appealability. The court will enter a separate judgment in accordance with this Memorandum and Order.

DATED this 22nd day of September, 2015.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge

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