

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

FELIX WALLS,

Petitioner,

ORDER

09-cv-430-slc¹

v.

WARDEN CAROL HOLINKA of FCI Oxford
and other ARTICLE II SWORN OFFICIAL[s]
of the DEPARTMENT OF JUSTICE, known and
unknown,

Respondents.

In an order entered September 22, 2009, I dismissed petitioner Felix Walls's petition for a writ of habeas corpus after concluding that he cannot bring such a petition directly under Article 1, Section 9, Clause 2 of the Constitution and he has not shown that 28 U.S.C. § 2255 was structurally inadequate (so that he could proceed under 28 U.S.C. § 2241, which is generally not available to attack a conviction or sentence, as petitioner seeks to do in this lawsuit). Now, petitioner has filed two "petitions to transfer to proper jurisdiction" and a "petition for issuance of order to show cause pursuant to Article Five of

¹ Although this case has been assigned to Magistrate Judge Stephen Crocker, for the purpose of issuing this order only, I am assuming jurisdiction over this case.

the National Constitution.” In one motion, petitioner seeks to convert his case into one challenging the validity of § 2255 on the ground that it was not properly voted as a constitutional amendment although it abridges the Constitution (a slightly new spin on petitioner’s argument that § 2255 is unconstitutional). In the other two motions, petitioner seeks to transfer the case to Washington, D.C. on the ground that this court has stated that it does not have jurisdiction. Because I have ruled that the petition for a writ of habeas corpus must be dismissed for lack of jurisdiction, these motions are moot. Even if they were not, I would deny them because they are frivolous.

In addition, petitioner has filed a “petition for reinstatement” of his case, properly construed as a motion to alter or amend the judgment under Fed. R. Civ. P. 59(e). That motion will be denied as well. Petitioner’s only arguments in support of reconsideration are that his conviction was unconstitutional, that I swore an oath to uphold the Constitution and that it is unfair that he remain convicted. None of this arguments entitle him to a writ of habeas corpus. There is a statutory mechanism for pursuing such relief. Petitioner’s generalized concerns of unconstitutionality and unfairness do not satisfy the statutory requirements.

ORDER

IT IS ORDERED that petitioner Felix Walls’s two “petitions to transfer to proper

jurisdiction,” dkt. ##17 and 18, “petition for issuance of order to show cause pursuant to Article Five of the National Constitution,” dkt. #16, and “petition for reinstatement of Article I, Sec. 9, clause 2 and amendment one petition,” dkt. #19, are DENIED.

Entered this 7th day of October, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge