ALD-023 **NOT PRECEDENTIAL**

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 25-3425

CLARENCE JAMAR GRAHAM,
Appellant

v.

UNITED STATES OF AMERICA

On Appeal from the United States District Court
for the Middle District of Pennsylvania
(D.C. Civil Action No. 1:25-cv-02075)
District Judge: Honorable Keli M. Neary

Submitted for Possible Dismissal Pursuant to 28 U.S.C. § 1915(e)(2)(B) or
Summary Action Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6
October 29, 2026

Before: SHWARTZ, BOVE, and NYGAARD, *Circuit Judges*

(Opinion filed: November 10, 2026)

OPINION*

PER CURIAM

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

Appellant Clarence Jamar Graham appeals pro se the District Court's dismissal of his 28 U.S.C. § 2241 petition. We will summarily affirm.

Graham initiated this action by filing a document titled, "Motion for Lack of Subject Matter Jurisdiction/Motion to Vacate Under 2241," in the United States District Court for the Eastern District of North Carolina. *See* ECF No. 1. Graham challenged his criminal conviction in that District, arguing that because the warrant for his arrest was not supported by probable cause, the trial court lacked the jurisdiction to try him. Graham requested that his "conviction be stricken and judgement vacated with the effect of me being discharged or any other relief which Im entitled." [sic] *Id.* at 8.

After receiving Graham's initial petition, the Eastern District of North Carolina sent Graham a § 2241 form, and on it he stated he was challenging the execution of his sentence. However, Graham filed an accompanying motion, reiterating that he was challenging his arrest because it was unsupported by probable cause. Nonetheless, the Eastern District of North Carolina construed Graham's filing as a petition for writ of habeas corpus under § 2241 and transferred it to the Middle District of Pennsylvania, where Graham was confined at the time. That Court subsequently dismissed Graham's petition without prejudice for lack of subject matter jurisdiction. The District Court explained that, because Graham challenged the legality of his conviction and sentence, Graham could only seek relief through § 2241 if a motion under § 2255 was "inadequate or ineffective." *See* ECF No. 10 at 3-4. Because Graham did not make that showing, the District Court concluded that Graham must pursue a challenge to his conviction by filing a § 2255 motion in the district where he was sentenced. The District Court therefore

dismissed Graham's petition without prejudice to his refiling in the Eastern District of North Carolina. Graham appealed.[1]

The District Court's dismissal was proper. Although Graham wrote that he was challenging the "execution of his sentence," *see* ECF No. 4, his filings clearly challenged the validity of his underlying criminal conviction and sentence. As the District Court noted, § 2255 motions "are the presumptive means by which federal prisoners can challenge their convictions or sentences[.]" *See Okereke v. United States*, 307 F.3d 117, 120 (3d Cir. 2002). Therefore, the District Court could not entertain Graham's § 2241 petition unless "it . . . appear[ed] that the remedy by [§ 2255] motion [was] inadequate or ineffective to test the legality of his detention." 28 U.S.C. § 2255(e). Section 2255 is only "inadequate or ineffective" if "unusual circumstances make it impossible or impracticable to seek relief in the sentencing court[.]" *Jones v. Hendrix*, 599 U.S. 465, 478 (2023).

Because such circumstances are absent here, *see Jones*, 599 U.S. at 504-06 (J. Jackson, dissenting) (providing examples of such circumstances), Graham cannot bring his claims under § 2241. The proper mechanism is a § 2255 motion filed in the Eastern

[1] We have jurisdiction over this appeal pursuant to 28 U.S.C. § 1291. In reviewing the District Court's dismissal of Graham's § 2241 habeas corpus petition, we exercise plenary review over its legal conclusions and review findings of fact for clear error. *See O'Donald v. Johns*, 402 F.3d 172, 173 n.1 (3d Cir. 2005) (per curiam). We may summarily affirm the District Court's decision if the appeal fails to present a substantial question. *See* 3d Cir. L.A.R. 27.4; 3d Cir. I.O.P. 10.6; *Murray v. Bledsoe*, 650 F.3d 246, 247 (3d Cir. 2011) (per curiam).

District of North Carolina.[2] *See Okereke*, 307 F.3d at 120 (explaining that a § 2255 motion must be filed in the federal judicial district where the defendant was sentenced).

Accordingly, we will summarily affirm the District Court's judgment.

[2] In his notice of appeal, Graham argues that the transfer of his petition to the Middle District of Pennsylvania was improper and asks that it be sent back to the Eastern District of North Carolina. But this argument is now moot. Six months after the Middle District issued its decision, the Eastern District of North Carolina informed Graham that, because his § 2241 petition was challenging his conviction and sentence, he could consent to that Court's construing the petition as a § 2255 motion and addressing it accordingly. The Court gave him 30 days to respond. However, Graham failed to do so, and it dismissed his petition four months later, in September of 2026. *See* Crim No. 7:21-cr-95-D, ECF Nos. 279, 283.