



Jesus Martinez-Delgado v. L.J. Mulusnic

2019 | Cited 0 times | C.D. California | September 27, 2019

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

JESUS MARTINEZ-DELGADO, Petitioner,

v. WARDEN L.J. MULUSNIC, Respondent.

CV 19-8060 DSF CR 09-445 DSF Order DENYING Petition

Jesus Martinez-Delgado has filed what is styled as a petition under 28 U.S.C. § 2241. However, the petition challenges Martinez-Delgado's conviction and sentence, not anything related to the execution of his sentence. Therefore, the petition is properly considered as a motion under 28 U.S.C. § 2255. Martinez-Delgado has already filed a § 2255 motion, which was denied on June 6, 2018. See CV 17-4568 DSF (C.D. Cal.) This petition is a second or successive petition without leave of the Court of Appeals and is DENIED on that basis. 28 U.S.C. § 2244(a); 28 U.S.C. § 2255(h).

IT IS SO ORDERED.

Date: September 27, 2019 _____

Dale S. Fischer United States District Judge

