

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

NO. 05-3678

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DARNELL KING,

Appellant

v.

RONALD R. HOLT

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On Appeal From the United States District Court  
For the Middle District of Pennsylvania  
(D.C. Civ. No. 05-cv-00709 )  
District Judge: Honorable A. Richard Caputo

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Submitted For Possible Summary Action Under Third Circuit LAR 27.4 and I.O.P. 10.6  
October 20, 2005

Before: SLOVITER, MCKEE AND FISHER, Circuit Judges.

(Filed: November 9, 2005)

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OPINION

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PER CURIAM

Darnell King appeals the District Court's order dismissing his petition filed

pursuant to 28 U.S.C. § 2241. The background of this case and the details of King's claims are well-known to the parties, set forth in the District Court's opinion, and need not be discussed at length. In his petition, King alleged that his 210 month sentence for extortion was unconstitutionally enhanced by prior state court convictions. The District Court dismissed the petition, and King filed a timely notice of appeal.

We have jurisdiction under 28 U.S.C. § 1291. King's § 2241 petition may not be entertained unless a motion under § 2255 is "inadequate or ineffective to test the legality of his detention." 28 U.S.C. § 2255. Previous unsuccessful § 2255 motions are not sufficient to show that a § 2255 motion is inadequate or ineffective. Litterio v. Parker, 369 F.2d 395, 396 (3d Cir. 1966); See also In re Dorsainvil, 119 F.3d 245, 251 (3d Cir. 1997). We agree with the District Court that it lacked jurisdiction over King's petition.

Summary action is appropriate if there is no substantial question presented in the appeal. See Third Circuit LAR 27.4. For essentially the reasons set forth by the District Court, we will summarily affirm the District Court's July 20, 2005 order. See Third Circuit I.O.P. 10.6.