

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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NO. 06-2195

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SEAN LAMONT DUDLEY,

Appellant

v.

JOHN NASH,  
Warden F.C.I. Fort Dix

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On Appeal From the United States District Court  
For the District of New Jersey  
(D.C. Civ. No. 05-cv-01495)  
District Judge: Honorable Jerome B. Simandle

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Submitted For Possible Dismissal Under 28 U.S.C. § 1915(e)(2)(B) or  
Summary Action Under Third Circuit LAR 27.4 and I.O.P. 10.6  
September 8, 2006

Before: SLOVITER, McKEE and FISHER, Circuit Judges.

(Filed: October 19, 2006)

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OPINION

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PER CURIAM

Sean Dudley appeals the District Court's order dismissing his § 2241 petition for lack of jurisdiction. In 1997, Dudley pled guilty in the District Court for the Western

District of North Carolina to conspiracy to possess with intent to distribute cocaine and possession with intent to distribute cocaine. He was sentenced as a career offender to 360 months in prison. His conviction and sentence were affirmed on appeal. In 1999, Dudley filed a motion pursuant to 28 U.S.C. § 2255 which the sentencing court denied. In 2005, Dudley filed the instant § 2241 petition in which he argued that there was an insufficient basis for his guilty plea. The District Court dismissed the petition and denied Dudley's subsequent motion for reconsideration. Dudley filed a timely notice of appeal.

We have jurisdiction under 28 U.S.C. § 1291. Dudley'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). The District Court was correct in concluding that it lacked jurisdiction over the 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 judgment. See Third Circuit I.O.P. 10.6.