

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 99-5431

September Term, 1999

99cv03167

Filed On: July 13, 2000 [529646]

Gene E. Dudley,
Appellant

v.

United States Sentencing Commission, et al.,
Appellees

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

BEFORE: Edwards, Chief Judge; Ginsburg and Randolph, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the appellant's brief. The court has determined that the issues presented occasion no need for an opinion. See Fed. R. App. P. 36; D.C. Cir. Rule 36(b). It is

ORDERED and ADJUDGED that the district court's order filed November 30, 1999, be affirmed. Appellant's claims appear to challenge the validity of his sentence, and, as such, fall within the ambit of habeas corpus. See *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). Appellant may not circumvent the procedures for seeking habeas corpus relief by bringing a declaratory judgment action. See *Chatman-Bey v. Thornburgh*, 864 F.2d 804, 808-10 (D.C. Cir. 1988) (en banc) (federal prisoner challenging term of custody must proceed by means of habeas, even if seeking declaratory relief). A challenge to a conviction or sentence must be brought pursuant to 28 U.S.C. § 2255 in the court that imposed the sentence unless it is shown that that remedy is inadequate or ineffective. See 28 U.S.C. § 2255. Appellant has not made the requisite showing. The dismissal of this action is without prejudice to appellant raising his claims in an appropriate proceeding.

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam