

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

JERMINE JOANNE BELFON, :  
Petitioner, :  
 : PRISONER  
v. : Case No. 3:04CV1261 (RNC)  
 :  
KUMA J. DEBOO, :  
Respondent. :

RULING AND ORDER

Petitioner, Jermine Joanne Belfon ("Belfon"), currently confined at the Federal Correctional Institution in Danbury, Connecticut, filed this action for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. On August 20, 2004, the court filed an order determining that the court lacked jurisdiction to entertain this petition and affording Belfon until September 1, 2004, to withdraw the petition or agree to have the petition recharacterized as a motion filed pursuant to 28 U.S.C. § 2255 and transferred to the United States District Court for the Eastern District of New York. In response, Belfon has filed an objection in which she contends that this court lacks authority to transfer her petition to the Eastern District of New York.

In the previous ruling, the court distinguished petitions filed pursuant to 28 U.S.C. § 2255 from those filed pursuant to 28 U.S.C. § 2241. A petition filed pursuant to section 2241 "generally challenges the *execution* of a federal prisoner's sentence, including such matters as the administration of parole, computation of a prisoner's sentence by prison officials, prison

disciplinary actions, prison transfers, type of detention and prison conditions." Jiminian v. Nash, 245 F.3d 144, 146 (2d Cir. 2001). A section 2255 motion, on the other hand, is considered "the proper vehicle for a federal prisoner's challenge to [the imposition of] his conviction and sentence." Id. at 146-47.

Belfon's petition does not challenge the execution of her sentence. Rather, the essence of her petition is that the court in which she was convicted and sentenced lacked jurisdiction to impose the sentence, a claim which falls under section 2255. Adams v. United States, 372 F.3d 132, 134 (2d Cir. 2004).<sup>1</sup>

Accordingly, the court considers the petition as a motion filed pursuant to 28 U.S.C. § 2255 and directs the Clerk to transfer this action to the United States District Court for the Eastern District of New York. That court may determine whether this petition should be considered a second or successive section 2255 motion or an amendment to Belfon's current motion.

So ordered.

Dated this \_\_\_\_\_ day of November, 2004, at Hartford, Connecticut.

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Robert N. Chatigny  
United States District Judge

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<sup>1</sup>Belfon nowhere argues that section 2255 is inadequate or ineffective to test the legality of her conviction. Adams, 372 F.3d at 135. Indeed, she states that her section 2255 motion is currently pending in the sentencing court.