

21-857 JONES V. HENDRIX

DECISION BELOW: 8 F.4th 683

LOWER COURT CASE NUMBER: 20-1286

QUESTION PRESENTED:

Under 28 U.S.C. § 2255, federal inmates can collaterally challenge their convictions on any ground cognizable on collateral review, with successive attacks limited to certain claims that indicate factual innocence or that rely on constitutional-law decisions made retroactive by this Court. 28 U.S.C. § 2255(h). 28 U.S.C. § 2255(e), however, also allows inmates to collaterally challenge their convictions outside this process through a traditional habeas action under 28

U.S.C. § 2241 whenever it "appears that the remedy by [§ 2255] motion is inadequate or ineffective to test the legality of [their] detention."

The question presented is whether federal inmates who did not-because established circuit precedent stood firmly against them-challenge their convictions on the ground that the statute of conviction did not criminalize their activity may apply for habeas relief under § 2241 after this Court later makes clear in a retroactively applicable decision that the circuit precedent was wrong and that they are legally innocent of the crime of conviction.

ORDER OF JUNE 28, 2022:

MORGAN L. RATNER, ESQUIRE OF WASHINGTON, D.C., IS INVITED TO BRIEF AND ARGUE THIS CASE AS *AMICUS CURIAE*, IN SUPPORT OF THE JUDGMENT BELOW.

CERT. GRANTED 5/16/2022