

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 99-3251

Willie Love,

Appellant,

v.

United States of America,

Appellee.

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* Appeal from the United States

* District Court for the

* District of Minnesota.

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* [UNPUBLISHED]

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Submitted: February 7, 2000
Filed: February 15, 2000

Before RICHARD S. ARNOLD, BOWMAN, and BEAM, Circuit Judges.

PER CURIAM.

Willie Love, a federal prisoner, appeals the district court's¹ dismissal of his 28 U.S.C. § 2241 habeas petition, which he filed after his convictions on drug and firearm violations were affirmed on appeal, see United States v. Huff, 959 F.2d 731 (8th Cir.), cert. denied, 506 U.S. 855 (1992), and his subsequent 28 U.S.C. § 2255 petition was denied. Upon careful review of the record and the parties' submissions, we conclude that the district court properly dismissed Love's petition for the reasons described in

¹The Honorable Richard H. Kyle, United States District Judge for the District of Minnesota, adopting the report and recommendation of the Honorable Arthur J. Boylan, United States Magistrate Judge for the District of Minnesota.

the magistrate judge's report. See 28 U.S.C. § 2255 (application for writ of habeas corpus on behalf of prisoner authorized to apply for relief under § 2255 shall not be entertained if it appears applicant has failed to apply for such relief by motion to sentencing court, or that such court has denied him relief, unless it also appears that remedy by motion is "inadequate or ineffective" to test detention's legality); Triestman v. United States, 124 F.3d 361, 376 (2d Cir. 1997) (habeas corpus is not preserved merely because prisoner faces substantive or procedural barrier to § 2255 relief).

Accordingly, we affirm. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.