

Now incarcerated in the Western District of Michigan, Joseph seeks habeas relief under 28 U.S.C. § 2241. His petition contends that his underlying Florida crimes no longer qualify as predicate offenses for purposes of the career-offender enhancement following *Johnson v. United States*, 559 U.S. 133 (2010), *Descamps v. United States*, 570 U.S. 254 (2013), and *Mathis v. United States*, 579 U.S. 1 (2016).

No. 21-1191, *Joseph v. Dunbar*

*States*, 579 U.S. 500 (2016). And he argues that 28 U.S.C. § 2255(e)’s savings clause—which permits a prisoner to file a petition for habeas corpus if “the [§ 2255] remedy by motion is inadequate or ineffective to test the legality of his detention”—allows him to seek relief under § 2241 due to those intervening changes in statutory interpretation. The district court denied Joseph’s petition, and this appeal followed.

We held this case in abeyance pending the Supreme Court’s decision in *Jones v. Hendrix*, which recently held that the savings clause does not operate as Joseph says it does. 143 S. Ct. 1857, 1868 (2023). *Jones* emphasized that § 2255 allows a second or successive collateral attack on a sentence in only two circumstances: (1) a claim based on newly discovered evidence, and (2) a new rule of constitutional law made retroactive by the Supreme Court. *Id.* at 1867, 1869; 28 U.S.C. § 2255(h). The savings clause serves a different purpose—it “preserves recourse to § 2241 in cases where unusual circumstances make it impossible or impracticable to seek relief in the sentencing court, as well as for challenges to detention other than collateral attacks on a sentence.” *Jones*, 143 S. Ct. at 1868. As explained: “The inability of a prisoner with a statutory claim to satisfy [§ 2255(h)’s] conditions does not mean that he can bring his claim in a habeas petition under the saving clause. It means that he cannot bring it at all. Congress has chosen finality over error correction in his case.” *Id.* at 1869. *Jones* therefore forecloses Joseph’s appeal, making clear that he cannot use § 2241 as “an end-run around” § 2255(h)’s rules. *Id.* at 1868.

We affirm.