

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Dustin Higgs v. T. Watson

No. 20-2129, United States Court of Appeals for the Seventh Circuit (January 11, 2021)

SUMMARY

Federal prisoner Dustin Higgs sought habeas corpus relief under 28 U.S.C. § 2241 to challenge his 18 U.S.C. § 924(c) firearm convictions based on the Supreme Court's decision in *United States v. Davis* (2019), which held the residual clause of § 924(c)(3)(B) unconstitutionally vague. The Seventh Circuit affirmed the denial of the petition, holding that *Davis* is a constitutional decision, not a statutory-interpretation case, so the savings clause of 28 U.S.C. § 2255(e) does not permit resort to § 2241. Because § 2255 provides an adequate and effective remedy for *Davis*-based claims—including the ability to seek authorization for a second or successive motion under § 2255(h)(2)—the court concluded that the denial of such authorization by the Fourth Circuit does not establish a structural inadequacy in § 2255. The case reinforces that a petitioner cannot use § 2241 to circumvent § 2255's limitations unless there is a structural problem with the § 2255 remedy itself.

CASE DETAILS

COURT	United States Court of Appeals for the Seventh Circuit
WRITING FOR THE COURT	Scudder; Wood; Brennan
JURISDICTION	Federal
DECIDED	January 11, 2021
DOCKET	20-2129
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the United States District Court for the Southern District of Indiana, Terre Haute Division, No. 2:16-cv-321, Judge Jane Magnus-Stinson, dismissing Higgs's petition for a writ of habeas corpus under 28 U.S.C. § 2241.
PRECEDENTIAL VALUE	Published
PARTIES	Dustin John Higgs v. T. J. Watson, Warden

TOPICS

- habeas corpus
- criminal procedure
- sentencing
- statutory interpretation
- constitutional law

QUESTIONS PRESENTED

1. Whether the savings clause in 28 U.S.C. § 2255(e) allows Higgs to challenge his § 924(c) convictions under *United States v. Davis* via a § 2241 petition.

HOLDINGS

1. The savings clause does not permit Higgs to pursue relief under § 2241 because *Davis* is a constitutional case, not a statutory interpretation case, and thus § 2255 is not inadequate or ineffective.

KEY QUOTATIONS

“An application for a writ of habeas corpus in behalf of a prisoner who is authorized to apply for relief by motion pursuant to this section, shall not be entertained if it appears that the applicant has failed to apply for relief, by motion, to the court which sentenced him, or that such court has denied him relief, unless it also appears that the remedy by motion is inadequate or ineffective to test the legality of his detention.”

“We have held that an avenue for postconviction relief may be 'inadequate' or 'ineffective' when 'so configured as to deny a convicted defendant any opportunity for judicial rectification of so fundamental a defect in his conviction as having been imprisoned for a nonexistent offense.'”

“because Davis is a constitutional case, we cannot say there is anything structurally 'inadequate' or 'ineffective' about § 2255 as a remedy for petitioners like Higgs challenging their § 924(c) convictions under Davis.”

FACTUAL BACKGROUND

In 1996, Dustin Higgs, along with Willie Mark Haynes and Victor Gloria, kidnapped three women and drove them to a federal wildlife refuge in Maryland. There, Higgs handed his gun to Haynes, who shot and killed the women. Higgs was convicted of first-degree murder, kidnapping, and using a firearm in a crime of violence, and received nine death sentences plus a consecutive 45-year sentence for the firearm convictions.

PROCEDURAL HISTORY

Higgs was convicted in the District of Maryland and sentenced to death. He sought post-conviction relief in the Fourth Circuit under § 2255, but his requests to file a successive motion based on *Johnson* and *Davis* were denied. He then filed a § 2241 petition in the Southern District of Indiana, which the district court dismissed for failure to satisfy the savings clause. Higgs appealed.

DISPOSITION

affirmed

CASES CITED

- *United States v. Davis*, 139 S. Ct. 2319 (2019)
- *Johnson v. United States*, 576 U.S. 591 (2015)
- *In re Davenport*, 147 F.3d 605 (7th Cir. 1998)
- *Garza v. Lappin*, 253 F.3d 918 (7th Cir. 2001)

- Webster v. Daniels, 784 F.3d 1123 (7th Cir. 2015) (en banc)
- Purkey v. United States, 964 F.3d 603 (7th Cir. 2020)
- Hall v. Watson, 829 F. App'x 719 (7th Cir. 2020)
- Montana v. Cross, 829 F.3d 775 (7th Cir. 2016)
- Brown v. Rios, 696 F.3d 638 (7th Cir. 2012)
- United States v. Higgs, 663 F.3d 726 (4th Cir. 2011)
- United States v. Higgs, 95 F. App'x 37 (4th Cir. 2004)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/federal/seventh-circuit/2021/dustin-higgs-v-t-watson-fa40x7k0>