

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE, EASTERN DIVISION

Mike Settle v. Vince Vantrell

Settle · No. 1:24-cv-01060-JDB-jay · Decided March 17, 2026

SUMMARY

The United States District Court for the Western District of Tennessee construed Mike Settle’s filing as a second or successive petition under 28 U.S.C. § 2255. Because Settle had not obtained authorization from the Sixth Circuit, the court ordered the Clerk to transfer the petition to that court under 28 U.S.C. § 1631 and directed that the district-court case be closed without entry of judgment.

CASE DETAILS

COURT	United States District Court for the Western District of Tennessee, Eastern Division
WRITING FOR THE COURT	J. Daniel Breen
JURISDICTION	United States District Court for the Western District of Tennessee, Eastern Division
DECIDED	March 17, 2026
DOCKET	1:24-cv-01060-JDB-jay
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a pro se pleading styled as a 28 U.S.C. § 2241 petition. The Middle District of Tennessee construed it as a motion under 28 U.S.C. § 2255 and transferred it to the Western District of Tennessee. The district court determined that the filing was a second or successive § 2255 petition filed without Sixth Circuit authorization and transferred it to the Sixth Circuit.
PRECEDENTIAL VALUE	unpublished
PARTIES	Mike Settle v. Vince Vantrell

TOPICS

- federal habeas corpus
- successive petitions
- post-conviction relief
- appellate procedure
- criminal procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the district court could consider Settle's filing as a second or successive motion under 28 U.S.C. § 2255 without prior authorization from the Sixth Circuit.
2. Whether the petition should be transferred to the Sixth Circuit under 28 U.S.C. § 1631.

HOLDINGS

1. A district court may not consider a second or successive § 2255 petition absent prior authorization from the appropriate court of appeals.
2. When a second or successive § 2255 motion is filed in the district court without Sixth Circuit authorization, the district court must transfer the filing to the Sixth Circuit under 28 U.S.C. § 1631.

KEY QUOTATIONS

“[W]hen a second or successive petition for habeas corpus relief or § 2255 motion is filed in the district court without § 2244(b)(3) authorization from [the Sixth Circuit], the district court shall transfer the document to [the Sixth Circuit] pursuant to § 1631.” (at 47)

FACTUAL BACKGROUND

Settle is a Tennessee prisoner serving a state sentence and previously received a 262-month federal sentence, consecutive to any prior state sentence, followed by three years of supervised release. The federal sentence resulted from his guilty plea to being a felon in possession of a firearm under 18 U.S.C. § 922(g). His earlier § 2255 petition was denied as untimely, and the Sixth Circuit had denied prior applications seeking authorization to file successive § 2255 motions.

PROCEDURAL HISTORY

Settle was convicted and sentenced in the Western District of Tennessee in 2000 after pleading guilty to being a felon in possession of a firearm. He did not file a direct appeal. His first § 2255 petition was denied as untimely in 2007, and the Sixth Circuit denied a certificate of appealability in 2008. After multiple unsuccessful applications for authorization to file successive § 2255 motions, Settle filed the present petition in the Middle District of Tennessee, which transferred it to this district for disposition.

DISPOSITION

other

CASES CITED

- In re Sims, 111 F.3d 45, 47 (6th Cir. 1997)
- United States v. Settle, Case No. 1:99-cr-10073-JDT (W.D. Tenn.)
- Settle v. United States, Case No. 1:03-cv-01167-JDT-egb (W.D. Tenn.)

- Settle v. Phillips, Case No. 1:15-cv-01076-JDB-egb (W.D. Tenn.)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
TENNESSEE EASTERN DIVISION MIKE SETTLE, Petitioner, v. No. 1:24-cv-01060-JDB-jay
Re: 1:99-cr-10073-JDB-jay VINCE VANTRELL, Respondent.

ORDER TRANSFERRING § 2255 PETITION TO THE UNITED STATES COURT OF
APPEALS FOR THE SIXTH CIRCUIT

On June 27, 2023, the Petitioner, Mike Settle, Tennessee Department of Correction prisoner number 207584, who is currently serving a state sentence at Trousdale Turner Correctional Center in Hartsville, Tennessee, filed a pro se pleading entitled “28 U.S.C. § 2241” (the “Petition”) in the United States District Court for the Middle District of Tennessee.

(Docket Entry (“D.E.”) 1.)¹ In an order entered March 18, 2024, District Judge Aleta A. Trauger construed the filing as seeking relief under 28 U.S.C. § 2255 and transferred the matter to this district. (D.E. 7.) Pursuant to a judgment entered August 3, 2000, Settle was sentenced to 262 months’ imprisonment, to run consecutively to any previous state sentence and to be followed by three years of supervised release, upon a guilty plea to being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g).

(United States v. Settle, Case No. 1:99-cr-10073-JDT2 (W.D. 1 Unless otherwise noted, record citations are to the instant case. 2 The case was reassigned to the undersigned on May 23, 2022. (Settle, Case No. 1:99-cr- 10073-JDT, D.E. 81). Tenn.), D.E. 36). He did not file a direct appeal.

On July 3, 2003, this Court docketed a § 2255 petition filed by Settle (Settle v. United States, Case No. 1:03-cv-01167-JDT-egb (W.D. Tenn.), D.E. 1), which was denied as untimely in June 2007 (id., D.E. 25). In February 2008, the Sixth Circuit denied a certificate of appealability. (Id., D.E. 30.) Over the years that followed, Settle filed multiple applications with the Sixth Circuit for permission to file second or successive § 2255 motions, all of which were denied.

(See Settle v. Phillips, Case No. 1:15-cv-01076-JDB-egb (W.D. Tenn.), D.E. 27 (summarizing filings).) Because it is a second or successive § 2255 petition, this Court may not consider the instant filing in this matter absent prior authorization by the appellate court. See 28 U.S.C. § 2255(h), 28 U.S.C. § 2244(b)(3). “[W]hen a second or successive petition for habeas corpus relief or § 2255 motion is filed in the district court without § 2244(b)(3) authorization from [the Sixth Circuit], the district court shall transfer the document to [the Sixth Circuit] pursuant to 28 U.S.C. § 1631.” In re Sims, 111 F.3d 45, 47 (6th Cir.

1997) (per curiam). Accordingly, the Clerk is hereby ORDERED to transfer the Petition to the United States Court of Appeals for the Sixth Circuit. The Clerk is further DIRECTED to close this case without entry of judgment. IT IS SO ORDERED this 17th day of March 2026. s/ J. DANIEL BREEN UNITED STATES DISTRICT JUDGE