

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PRECEDENTIAL VALUE	unpublished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.)

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