

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
ILLINOIS

Luedtke v. Lillard

No. 3:25-CV-942-NJR (S.D. Ill. Feb. 11, 2026) · No. 3:25-CV-942-NJR · Decided February 11, 2026

SUMMARY

The United States District Court for the Southern District of Illinois denied James Luedtke’s motion for reconsideration of the dismissal of his 28 U.S.C. § 2241 habeas petition. The court held that Luedtke’s claims challenged the imposition of his sentence, rather than the Bureau of Prisons’ execution of it, and therefore had to be brought under 28 U.S.C. § 2255 in the sentencing court. The court also explained that Brown and Narvaez did not support relief under § 2241 in light of the Supreme Court’s decision in Jones v. Hendrix.

CASE DETAILS

COURT	United States District Court for the Southern District of Illinois
WRITING FOR THE COURT	Nancy J. Rosenstengel
JURISDICTION	United States District Court for the Southern District of Illinois
DECIDED	February 11, 2026
DOCKET	3:25-CV-942-NJR
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner moved under Federal Rule of Civil Procedure 59(e) for reconsideration of the dismissal of his 28 U.S.C. § 2241 habeas petition.
STANDARD OF REVIEW	A Rule 59(e) motion may be granted only upon a clear showing of newly discovered evidence or a manifest error of law or fact. A manifest error is a wholesale disregard, misapplication, or failure to recognize controlling precedent.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	James Luedtke v. Thomas Lillard

TOPICS

- federal habeas corpus
- successive petitions
- motion for reconsideration
- post-conviction relief
- sentencing

PRACTICE AREAS

federal habeas corpus

post-conviction relief

federal sentencing

QUESTIONS PRESENTED

1. Whether Luedtke established newly discovered evidence or a manifest error of law or fact warranting relief under Rule 59(e).
2. Whether a prisoner may use a 28 U.S.C. § 2241 petition to challenge alleged legal errors in the imposition of a sentence by the sentencing court by characterizing the claim as a challenge to the BOP's execution or computation of the sentence.
3. Whether *Brown v. Caraway* and *Narvaez v. United States* required the Court to permit Luedtke's § 2241 petition under the savings clause of 28 U.S.C. § 2255(e).

HOLDINGS

1. Luedtke did not establish newly discovered evidence or a manifest error of law or fact, so reconsideration was unwarranted.
2. Claims alleging legal errors in the imposition of a sentence by the sentencing court must be brought under 28 U.S.C. § 2255 in the sentencing court, rather than under § 2241 as challenges to the BOP's execution of the sentence.
3. Luedtke could not use § 2241 to circumvent the restrictions on successive § 2255 motions through the savings clause.

KEY QUOTATIONS

“A “manifest error of law” “is not demonstrated by the disappointment of the losing party. It is the ‘wholesale disregard, misapplication, or failure to recognize controlling precedent.’ ””

FACTUAL BACKGROUND

Luedtke is serving a 37-year sentence following convictions for bank robbery, brandishing a firearm during a crime of violence, being a felon in possession of a weapon, and two counts of making false statements to obtain a firearm. He challenged criminal-history points, the use of a state firearm conviction as a career-offender predicate, and the denial of a sentence reduction under 18 U.S.C. § 3582(c)(2) and Amendment 821 to the Sentencing Guidelines. Although he characterized the errors as involving the BOP's sentence computation, the Court determined that the alleged errors arose from the sentencing court's imposition of the sentence.

PROCEDURAL HISTORY

The Court previously dismissed Luedtke's § 2241 petition on preliminary review under Rule 4 because his claims challenged the imposition of his sentence by the sentencing court rather than the execution of the sentence by the Bureau of Prisons. Luedtke moved for reconsideration, arguing that the BOP's continued use of the allegedly incorrect sentence computation made the claim cognizable under § 2241. The Court construed the motion as one under Rule 59(e) and denied it.

DISPOSITION

other

CASES CITED

- United States v. Luedtke, 125 F. App'x 732 (2005)
- Jones v. Hendrix, 599 U.S. 465, 469 (2023)
- Harrington v. City of Chicago, 433 F.3d 542, 546 (7th Cir. 2006)
- Oto v. Metropolitan Life Ins. Co., 224 F.2d 601, 606 (7th Cir. 2000)
- Brown v. Caraway, 719 F.3d 583, 586, 588 (7th Cir. 2013)
- Narvaez v. United States, 674 F.3d 621 (7th Cir. 2011)
- In re Davenport, 147 F.3d 605 (7th Cir. 1998)
- Luedtke v. Lillard, No. 24-2615 (7th Cir. 2025)
- United States v. Luedtke, Case No. 1:03-cr-00037-WCG-1, Doc. 162 (E.D. Wis. Oct. 25, 2024)
- Luedtke v. United States, No. 05-C-0489, 2005 WL 1229686, at *5 (E.D. Wis. May 23, 2005)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ILLINOIS JAMES LUEDTKE, Petitioner, v. Case No. 3:25-CV-942-NJR THOMAS LILLARD, Respondent. MEMORANDUM AND ORDER ROSENSTENGEL, District Judge: Pending before the Court is a Motion for Reconsideration filed by Petitioner James Luedtke. (Doc. 12).

On June 26, 2025, the undersigned dismissed Luedtke's Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 on preliminary review under Rule 4 of the Federal Rules Governing Section 2254 Cases in United States District Courts. (Doc. 10). Luedtke asserts this dismissal was illegal and violated court precedent, common sense, and basic decency. (Doc. 12).

As the Court recounted in its Order dismissing the Petition, Luedtke is serving 37 years' imprisonment after a jury convicted him of bank robbery, brandishing a gun during a crime of violence, possessing a weapon as a felon, and two counts of making false statements to obtain a gun. See United States v. Luedtke, 125 F. App'x 732 (2005) (affirming Luedtke's conviction on appeal).

In his Petition, Luedtke asserted that the sentencing court erred by adding criminal history points that he should not have been assessed. (Doc. 1). He claimed that four points were added for crimes he was not charged with or convicted of, two points were added for a bogus harassment charge, and six points were added for convictions that were more than 15 years old.

Additionally, Luedtke claimed a state firearm charge was inappropriately used as a predicate offense to charge him as a career offender. Finally, Luedtke asserted he was entitled to an

additional point reduction under 18 U.S.C. § 3582(c)(2) and Amendment 821 to the U.S. Sentencing Guidelines because he was on parole at the time of his offense.¹ The undersigned dismissed the Petition because Luedtke's challenge was not to the execution of his sentence, as is permitted under § 2241, but rather a claim regarding the imposition of his sentence by the district court.

(Doc. 10). In his Petition, Luedtke acknowledged that “of course the initial incorrect sentence computation came from the district court, not the [Bureau of Prisons],” but he asserted that did not matter because the BOP “chose to maintain the incorrect sentence computation which confers 28 U.S.C. 2241 jurisdiction here.” The Court rejected Luedtke's attempt to construe his Petition as an attack on BOP's execution of his sentence, finding that Luedtke was actually claiming legal errors committed by the sentencing court—and such claims must be brought under 28 U.S.C. § 2255 in the sentencing court.

See *Jones v. Hendrix*, 599 U.S. 465, 469 (2023). Luedtke then filed the present motion, which the Court construes as a motion to alter or amend the judgment pursuant to Rule 59(e) of the Federal Rules of Civil Procedure. Rule 59(e) of the Federal Rules of Civil Procedure allows a party to move to alter or amend a judgment within 28 days of the entry of judgment.

A Rule 59(e) motion may 1 The Court observed that Luedtke had filed a pro se motion under Amendment 821 in his criminal case, which was denied by the sentencing court. *United States v. Luedtke*, Case No: 1:03-cr-00037-WCG-1, Doc. 162 (E.D. Wis. Oct. 25, 2024). be granted only if a party can “clearly establish” either newly discovered evidence or a manifest error of law or fact warranting relief.

Harrington v. City of Chicago, 433 F.3d 542, 546 (7th Cir. 2006). A “manifest error of law” “is not demonstrated by the disappointment of the losing party. It is the ‘wholesale disregard, misapplication, or failure to recognize controlling precedent.’ ” *Oto v. Metropolitan Life Ins. Co.*, 224 F.2d 601, 606 (7th Cir. 2000).

In his motion, Luedtke asserts that the Court “totally ignored the fact [that] 2241 can be used for incorrect calculations” by the BOP. He claims the BOP was notified of the incorrect sentence computation, yet it did nothing to correct his sentence. According to Luedtke, “that means the incorrect sentence computation lies with the BOP (instead of the district court).” Clearly, says Luedtke, the undersigned “did not even bother to read any of the case law in the habeas corpus” and “ignoring relevant case law is clear error and abuse of discretion.” As support for his proposition that the undersigned erred in not considering “pertinent precedent,” Luedtke cites to *Brown v. Caraway*, 719 F.3d 583, 586 (7th Cir.

2013), and *Narvaez v. United States*, 674 F.3d 621 (7th Cir. 2011). Neither case helps Luedtke. In *Narvaez*, the defendant filed his case under § 2255, which is exactly what this Court has told

Luedtke he must do. In *Brown*, the petitioner argued he should not have been sentenced as a career offender because one of his prior convictions no longer qualified as a crime of violence under U.S.S.G. § 4B1.1.

Brown, 719 F.3d at 586. But because he had already filed a § 2255 petition, his only option was to file a petition under § 2255(e)'s savings clause. The Seventh Circuit, relying on *In re Davenport*, 147 F.3d 605 (7th Cir. 1998), found that *Brown* could use the savings clause to challenge, under § 2241, the misapplication of the career offender guideline because it was a “a fundamental defect that constitutes a miscarriage of justice corrigible in a § 2241 proceeding.” *Id.* at 588.

Davenport has now been overruled by *Jones*, which held that a petitioner cannot get around the restrictions on second or successive § 2255 motions by filing a § 2241 petition. *Jones*, 599 U.S. at 477-78 (2023). The Seventh Circuit has explained this to Luedtke. See *Luedtke v. Lillard*, No. 24-2615 (7th Cir. 2025) (explaining *Jones* and summarily affirming the denial of Luedtke's petition for a writ of habeas corpus under 28 U.S.C. § 2241 and the savings clause of § 2255(e)).

Luedtke further claims that the undersigned misapplied *Jones* and erred in refusing to make any determination at all on the merits of his claims. The Court disagrees. As explained, Luedtke is challenging the imposition of his sentence by the district court — not the execution of his sentence by the BOP—and the errors he raises must be brought under § 2255 in the sentencing court.

See *Carnine v. U.S.*, 974 F.2d 924, 927 (7th Cir. 1992) (where alleged error occurred at or prior to sentencing, the remedy is under § 2255, not § 2241). Although Luedtke has previously filed at least one § 2255,⁷ he can seek permission from the Seventh Circuit Court of Appeals to file a successive petition.

For these reasons, the Motion for Reconsideration filed by Petitioner James Luedtke (Doc. 12) is DENIED. IT IS SO ORDERED. DATED: February 11, 2026 7 (ocuiteg “ah NANCY J. ROSENSTENGEL United States District Judge > *Luedtke v. United States*, No. 05-C-0489, 2005 WL 1229686, at *5 (E.D. Wis. May 23, 2005). Page 4 of 4