

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 07-2663

Henry L. Ivy, Jr.,

Appellant,

v.

Linda Sanders, Warden,
FCI - Forrest City,

Appellee.

*
*
*
* Appeal from the United States
* District Court for the Eastern
* District of Arkansas.
*
* [UNPUBLISHED]
*
*

Submitted: September 23, 2008
Filed: September 26, 2008

Before WOLLMAN, SMITH, and GRUENDER, Circuit Judges.

PER CURIAM.

Henry Ivy appeals the district court's¹ dismissal of his 28 U.S.C. § 2241 petition, in which he contended that he was actually innocent of one of his jury convictions. He previously brought this claim, however, in a proceeding under 28

¹The Honorable J. Thomas Ray, United States Magistrate Judge for the Eastern District of Arkansas, to whom the case was referred for final disposition by consent of the parties pursuant to 28 U.S.C. § 636(c).

U.S.C. § 2255 in the sentencing court,² and the court rejected the claim on the merits. In these circumstances, we agree with the district court that Ivy could not bring his claim under section 2241. See Abdullah v. Hedrick, 392 F.3d 957, 959 (8th Cir. 2004). We also conclude that the district court did not abuse its discretion in denying Ivy's motion for reconsideration. See Christensen v. Qwest Pension Plan, 462 F.3d 913, 919-20 (8th Cir. 2006) (abuse-of-discretion standard of review for Fed. R. Civ. P. 59(e) motion); Arnold v. Wood, 238 F.3d 992, 998 (8th Cir. 2001) (same; Fed. R. Civ. P. 60(b) motion).

Accordingly, we affirm. See 8th Cir. R. 47B.

²The Honorable Dean Whipple, United States District Judge for the Western District of Missouri.