

United States Court of Appeals
For the Eighth Circuit

No. 13-3661

Victor Ali Barakat

Petitioner - Appellant

v.

Scott P. Fisher

Respondent - Appellee

Appeal from United States District Court
for the District of Minnesota - Minneapolis

Submitted: May 2, 2014

Filed: May 7, 2014

[Unpublished]

Before WOLLMAN, BOWMAN, and KELLY, Circuit Judges.

PER CURIAM.

Federal inmate Victor Barakat appeals from an order of the District Court¹ denying his 28 U.S.C. § 2241 petition in which he challenged a decision of the Bureau of Prisons to deny his request for a twelve-month placement in a Residential Reentry Center (RRC). This appeal is moot, however, because Barakat was transferred to an RRC during the pendency of this appeal, and thus the court can no longer grant him the relief he requested. See Calderon v. Moore, 518 U.S. 149, 150 (1996) (per curiam) (noting that when an event occurs during the pendency of an appeal that renders it impossible for the court to grant effective relief, the court should dismiss the appeal as moot). As for Barakat's request that the remainder of his sentence be vacated, such relief is not available through a § 2241 petition. See Matheny v. Morrison, 307 F.3d 709, 711 (8th Cir. 2002) (noting that while a prisoner may attack the execution of his sentence in a § 2241 petition in the district of incarceration, a challenge to the validity of the underlying sentence is properly raised in motion under 28 U.S.C. § 2255 in the district of the sentencing court). Accordingly, we dismiss this appeal.

¹The Honorable Joan N. Ericksen, United States District Judge for the District of Minnesota, adopting the report and recommendation of the Honorable Steven E. Rau, United States District Judge for the District of Minnesota.