

United States Court of Appeals
For the Eighth Circuit

No. 14-1004

United States of America

Plaintiff - Appellee

v.

Bryan S. Behrens

Defendant - Appellant

Appeal from United States District Court
for the District of Nebraska - Omaha

Submitted: September 2, 2014

Filed: September 5, 2014

[Unpublished]

Before WOLLMAN, GRUENDER, and SHEPHERD, Circuit Judges.

PER CURIAM.

Bryan Behrens, whose sentence on a securities-fraud conviction we affirmed, see United States v. Behrens, 713 F.3d 926, 927 (8th Cir. 2013), appeals the district

court's¹ order denying 28 U.S.C. § 2255 relief without an evidentiary hearing. In his motion, Behrens claimed his criminal conviction was void based on an alleged lack of subject matter jurisdiction in light of an order entered in a prior civil proceeding. He also claimed his counsel was ineffective for failing to raise the issue. Because Behren's subject-matter-jurisdiction and related ineffective-assistance claims are meritless, see United States v. White Horse, 316 F.3d 769, 772 (8th Cir. 2003) (subject matter jurisdiction established by 18 U.S.C. § 3231); Rodriguez v. United States, 17 F.3d 225, 226 (8th Cir. 1994) (per curiam) (counsel's failure to advance meritless argument cannot constitute ineffective assistance), we affirm.

¹The Honorable Lyle E. Strom, United States District Judge for the District of Nebraska.