NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted November 20, 2024*
Decided November 21, 2024

Before

FRANK H. EASTERBROOK, *Circuit Judge*

THOMAS L. KIRSCH II, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

No. 24-1389

UNITED STATES OF AMERICA, *Plaintiff-Appellee*,	Appeal from the United States District Court for the Southern District of Illinois.
v.	No. 15-cr-30075-SMY
TERRELL MCGEE, *Defendant-Appellant*.	Staci M. Yandle, *Judge*.

O R D E R

Years after Terrell McGee collaterally attacked his conviction, 28 U.S.C. § 2255, he filed three motions for postconviction relief that the district court dismissed for lack of jurisdiction. Because McGee has not received permission to file a successive petition,

* We have agreed to decide the case without oral argument because the briefs and record adequately present the facts and legal arguments, and oral argument would not significantly aid the court. FED. R. APP. P. 34(a)(2)(C).

and he has not presented authority providing the district court with jurisdiction to address his postconviction motions, we affirm.

In 2017, McGee pleaded guilty to robbery and firearm charges. *See* 18 U.S.C. §§ 1951(a), 924(c)(1). In his plea agreement, McGee expressly waived the right to appeal or collaterally attack "any aspect of the conviction and sentence" except "the substantive reasonableness of the term of imprisonment." The waiver did not apply to "claims of ineffective assistance of counsel," any retroactive change in law that rendered him "innocent of the charges," and "appeals based upon Sentencing Guideline amendments that are made retroactive." After the court accepted his plea, it sentenced McGee to 300 months in prison and 3 years of supervised release. McGee appealed, but we granted his attorney's motion to withdraw and dismissed the appeal. *See United States v. McGee*, 750 F. App'x 489, 490 (7th Cir. 2019).

McGee moved under § 2255 to vacate his sentence. He argued that his attorneys provided ineffective assistance; the court failed to comply with Rule 11 of the Federal Rules of Criminal Procedure during his change-of-plea hearing; and law enforcement did not advise him of his rights during his interrogation. The court denied McGee's motion. It concluded that McGee had not supplied any evidence to support his claims against his attorneys, and the record did not support his assertions that the court erred or that law enforcement failed to advise him properly.

From May 2020 to June 2022, McGee moved at least 27 other times to challenge his conviction and raise related issues. The district court denied each of his motions, noting that the criminal case was closed. McGee appealed four times, but we affirmed the district court in one appeal and dismissed three as untimely.

That brings us to this appeal. McGee filed three more motions to void the judgment or reduce his sentence. In all three, McGee contended that the district court had jurisdiction to do so under 18 U.S.C. § 3231 (supplying district courts with exclusive subject-matter jurisdiction over "all offenses against the laws of the United States"). He argued first that the judgment is void because the government failed to prove an essential element of his offenses; second, that the court should take a "second look" at his sentence because of his young age at the time of his offenses and his rehabilitation in prison; and third, that the court should vacate two of his 18 U.S.C. § 924(c) convictions because "stacking" the convictions "exceed[ed] the means of justice."

The district court denied McGee's motions in a single order. It explained that after it entered the final judgment in McGee's criminal case, "it lack[ed] jurisdiction to

hear related issues except to the extent authorized by statute or rule." The court told McGee that if he wished to challenge the validity of his conviction collaterally, he had to seek permission from this court to file a second § 2255 motion. The district court further considered whether any other statutes or court rules—including § 3231—would allow it to consider a motion in a closed criminal case but determined that none applied.

On appeal, McGee incorrectly insists that his motions do not challenge his conviction and so are not improper successive petitions. We need not resolve whether his appeal waiver forecloses this argument because we agree with the district court that it lacked jurisdiction to hear McGee's challenge. We consider any post-judgment motion in a criminal proceeding that falls within the scope of § 2255 a motion under § 2255, regardless of how the prisoner labels it. *See Melton v. United States*, 359 F.3d 855, 857 (7th Cir. 2004). McGee's motions argue that the judgment is void and his convictions should be vacated; thus, the motions challenge the validity of his conviction. And because McGee has already brought a § 2255 action, he may not attack his conviction again without prior authorization from this court (which he has not obtained). *See* 28 U.S.C. § 2255(h); *Curry v. United States*, 507 F.3d 603, 604 (7th Cir. 2007).

McGee's argument that the district court had jurisdiction over his motions despite § 2255's bar on successive petitions is also unavailing. He contends that § 3231 gives the court jurisdiction to reassess his conviction and sentence because the statute does not say "that original jurisdiction changes after final judgment [is entered]." He is wrong: Original jurisdiction to impose a criminal sentence does not give a court unlimited and perpetual power to change the sentence years after the entry of final judgment. *See United States v. Wahi*, 850 F.3d 296, 299–300 (7th Cir. 2017). Without authority to consider McGee's motions under either § 2255 or § 3231 (or any other statute), the district court correctly dismissed them for lack of jurisdiction.

We end by addressing the subject of sanctions. McGee's barrage of filings in the district court included unauthorized collateral challenges to his sentence. They also inappropriately asked for hearings on whether to detain him before a new trial as well as a speedy new trial, a change of venue, discovery, and home confinement, among other requests. The district court properly denied every motion as outside its jurisdiction, yet McGee persisted. Of the four appeals that McGee has taken despite his appeal waiver, none had merit. This frivolous litigation must stop.

Rule 38 of the Federal Rules of Appellate Procedure permits us to notify McGee that this appeal appears to be frivolous and to impose sanctions after allowing him an opportunity to respond. We now give McGee that notice. He has 14 days to show cause

why we should not impose penalties, including fines that if unpaid can lead to a filing bar as laid out in *Alexander v. United States*, 121 F.3d 312, 316 (7th Cir. 1997).

AFFIRMED