

**NONPRECEDENTIAL DISPOSITION**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 January 7, 2025\*

Decided January 7, 2025

**Before**

AMY J. ST. EVE, *Circuit Judge*

JOHN Z. LEE, *Circuit Judge*

JOSHUA P. KOLAR, *Circuit Judge*

No. 24-2303

UNITED STATES OF AMERICA,  
*Plaintiff-Appellee,*

*v.*

HARRISON R. KING,  
*Defendant-Appellant.*

Appeal from the United States District  
Court for the Central District of Illinois.

No. 93-30010-001

Sue E. Myerscough,  
*Judge.*

**ORDER**

Harrison King, a federal prisoner, moved to compel production of the grand jury materials underlying his indictment. The district court denied his request on the merits. But the court lacked subject-matter jurisdiction to decide the motion, which was in substance an unauthorized successive collateral attack. *See* 28 U.S.C. § 2255(h).

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\* 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).

Therefore, we vacate the decision and remand with instructions to dismiss King's motion for lack of jurisdiction.

In January 1993, a grand jury returned an indictment charging King with offenses including murder in furtherance of a continuing criminal enterprise and distribution of powder and crack cocaine. After a trial, a jury found King guilty of the seventeen counts that remained (one was dismissed during the trial), and the district court sentenced him to life in prison. We affirmed his conviction and sentence on appeal. *See United States v. Rogers*, 89 F.3d 1326 (7th Cir. 1996). Since then, King has filed two motions to vacate his sentence under 28 U.S.C. § 2255(a), which were denied, and multiple unsuccessful motions for a sentence reduction.

In May 2024, King moved to compel the production of grand jury materials under Rule 6(e) of the Federal Rules of Criminal Procedure. In his motion, he stated his intent to move to dismiss his 1993 indictment because, he asserted, the grand jury existed "longer [than] its statutorily provided term," and the prosecutor suppressed evidence, committed perjury, and made unlawful arguments to the grand jury. The government responded that the materials were "simply not relevant" because the time for challenging any defect had long passed. The district court denied the motion on the merits. The court explained that King had been represented by counsel throughout his criminal case and direct appeal, and he provided "no evidence in the record that is indicative of any Grand Jury issue or misconduct" that would warrant the disclosure of secret material. *See* FED. R. CRIM. P. 6(e)(3)(E)(ii).

King appeals the district court's decision, and now the government argues (for the first time) that the district court lacked subject-matter jurisdiction to decide the motion at all. Subject-matter jurisdiction "may be inquired into at any time, with or without a motion, by any party or by the court itself." *Craig v. Ontario Corp.*, 543 F.3d 872, 875 (7th Cir. 2008). We agree with the government that the district court lacked jurisdiction to substantively rule on King's motion.

Once a criminal case ends in a sentence, the district court's jurisdiction lapses unless a rule or statute specifically authorizes the court to act. *United States v. Goode*, 342 F.3d 741, 743 (7th Cir. 2003) (citing *Carlisle v. United States*, 517 U.S. 416 (1996)). Or, if a post-judgment motion is filed "preliminarily to or in connection with" another judicial proceeding, the court has ancillary jurisdiction to consider the request. FED. R. CRIM. P. 6(e)(3)(E)(i); *see also United States v. Scott*, 414 F.3d 815, 816 (7th Cir. 2015) (citing *United States v. Baggot*, 463 U.S. 476, 480 (1983)). Otherwise, a court does not have authority to entertain the motion and must dismiss it. *Scott*, 414 F.3d at 816.

There was no basis for jurisdiction here. There was no ongoing judicial proceeding to supply ancillary jurisdiction. Nor did any rule or statute authorize the district court to rule on a purported Rule 6(e) motion, because—in substance—the motion sought to collaterally attack King’s conviction.

Under *Scott*, any post-judgment motion in a criminal case is subject to the rule of *Gonzalez v. Crosby*, 545 U.S. 524 (2005): it must be treated as a collateral attack if, in substance, it challenges the validity of the conviction or sentence. *Scott*, 414 F.3d at 816 (extending *Gonzalez* to motions other than those under FED. R. CIV. P. 60(b)). A post-judgment motion to disclose grand jury materials is not always a collateral attack—for example, when a prisoner requests them for “academic interest.” *Id.* But when, in that motion, the prisoner admits he is challenging the indictment’s validity—as in *Scott*, and as King does here—he seeks collateral relief and must meet the requirements of § 2255. *Id.* One such requirement is that a prisoner must obtain authorization from this court before bringing a collateral attack for a second or successive time, *see* 28 U.S.C. § 2255(h); otherwise, the district court lacks jurisdiction to entertain the motion. *See United States v. Lloyd*, 398 F.3d 978, 980 (7th Cir. 2005); *see also* 28 U.S.C. § 2244(b)(2). Here, King did not obtain permission before he filed his motion, in which—just like the defendant in *Scott*— he admitted he was challenging the validity of his indictment. Therefore, the district court should have dismissed his motion for lack of jurisdiction. *See Scott*, 414 F.3d at 816.

Moreover, were we to interpret King’s brief as a request for authorization to bring a successive § 2255 petition, he has not satisfied the criteria in § 2244(b)(2), and so we deny the request. *See Scott*, 414 F.3d at 816.

Because the district court lacked jurisdiction to decide the motion to compel, we need not address King’s other arguments. The district court’s judgment is VACATED, and the case is REMANDED with instructions to dismiss for lack of subject-matter jurisdiction.