

**NONPRECEDENTIAL DISPOSITION**  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 August 28, 2024\*  
Decided August 29, 2024

*By the Court:*

No. 23-3344

MICHAEL GORBHEY,  
*Petitioner-Appellant,*

Appeal from the United States District  
Court for the Northern District of Illinois,  
Western Division.

*v.*

No. 22 C 50163

JOHN GILLEY,  
*Respondent-Appellee.*

**ORDER**

Michael Gorbey, who is serving a sentence in federal prison for local crimes committed in the District of Columbia, appeals the denial of his petition for a writ of habeas corpus. 28 U.S.C. § 2241. The district court determined that all of Gorbey's claims were barred by the abuse-of-the-writ doctrine. We affirm.

Gorbey was arrested in the District of Columbia in 2008 for carrying multiple weapons and ammunition while, he claims, he was "on his way to a meeting with [United States Supreme Court] Chief Justice John Roberts." Gorbey was charged with, and convicted by a jury of, fourteen weapons-related counts. The Superior Court of the District of Columbia sentenced Gorbey to 264 months' imprisonment. Because he was convicted in the District of Columbia of felonies, Gorbey is serving his sentence in the

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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).

federal Bureau of Prisons. *See* D.C. Code § 24–101; *Fletcher v. Reilly*, 433 F.3d 867, 870 (D.C. Cir. 2006).

On appeal, the local appeals court—the District of Columbia Court of Appeals—remanded the case to the trial court so that some of Gorbey’s conviction counts could be merged for sentencing purposes. The trial court resentenced Gorbey initially to 240 months but later amended the sentence—on account of some sentencing miscalculations—to 264 months. Since his conviction, Gorbey has filed dozens of federal habeas corpus petitions across the country, many challenging prison disciplinary decisions.

In 2022, Gorbey again petitioned for § 2241 relief in the Northern District of Illinois, where he then was incarcerated. He made four arguments: (1) the Bureau of Prisons ignored a “face sheet” issued by the District of Columbia Department of Corrections that listed his date of discharge as January 12, 2015; (2) the Bureau of Prisons failed to credit him for the jail time and good time credits that the D.C. Superior Court awarded him; (3) the D.C. Superior Court entered the amended sentence outside his or his counsel’s presence; and (4) his forceable transfer between prisons across state lines rendered him a fugitive from justice.

The district court denied Gorbey’s petition. The court determined that Gorbey had abused the writ of habeas corpus because he had, or could have, raised these issues in his prior petitions. The court ruled further that Gorbey’s third argument was not cognizable under § 2241 because it challenged the validity of his sentence.

Gorbey now contends that he did not abuse the writ because no prior court has ruled on his arguments on the merits. No court, he asserts, gave him a full hearing on these issues, so the district court abused its discretion in finding that he had raised or could have raised them. He also reprises the four arguments he pressed in the district court.

The abuse-of-the-writ doctrine generally prohibits a § 2241 petitioner from asserting claims that were resolved, or could have been resolved, in an earlier habeas petition. *See Mandacina v. Entzel*, 991 F.3d 758, 762 (7th Cir. 2021); *Suggs v. United States*, 705 F.3d 279, 285 (7th Cir. 2013) (describing abuse of the writ before the 1996 enactment of the Antiterrorism and Effective Death Penalty Act, which imposed new and tighter limits on successive petitions brought under 28 U.S.C. §§ 2254 and 2255). We review a district court’s denial of a § 2241 habeas petition de novo. *Camacho v. English*, 872 F.3d

811, 813 (7th Cir. 2017). We may take judicial notice of decisions in Gorbey's prior cases. *See Spiegel v. Kim*, 952 F.3d 844, 847 (7th Cir. 2020).

Gorbey raised most of his arguments in prior habeas petitions, so the abuse-of-the-writ doctrine applies here. In a 2015 habeas petition, for instance, Gorbey argued that the Bureau of Prisons failed (1) to release him based on the "face sheet" date and (2) to apply his jail and good-time credits. *See Gorbey v. Taylor*, No. 15-644, 2015 WL 6699899, at \*2 (N.D. Ala. Oct. 15, 2015). And in 2021, he argued that the Bureau of Prisons improperly transferred him across state lines. *Feather-Gorbey v. Warden, Beckley FCI*, No. 21-583, 2021 WL 6884913, at \*6 (S.D. W. Va. Dec. 23, 2021) (also collecting Gorbey's other habeas cases). One argument that he did not raise in a prior petition concerned the entry of an amended sentence outside his or his counsel's presence. But this argument too constitutes an abuse of the writ because he could have raised it in an earlier petition (and he doesn't argue that he couldn't have).

Gorbey also urges that he be allowed to reassert his arguments because, he says, no previous court has resolved them on the merits after a hearing. But Gorbey's disagreement with how another district court resolved a prior petition does not entitle him to a writ of habeas corpus; we "do not use § 2241 to regulate how our colleagues in other circuits handle their business." *Mandacina*, 991 F.3d at 761.

Moreover, § 2241 is not the appropriate vehicle for Gorbey's argument that his sentence was improperly amended. Gorbey maintains that his sentence was amended outside his presence and that no court has yet evaluated his argument, but a § 2241 petition may not be used to challenge a sentence or conviction unless other avenues for habeas relief are "inadequate or ineffective" for doing so, 28 U.S.C. § 2255(e); *see also Roundtree v. Krueger*, 910 F.3d 312, 313 (7th Cir. 2018), and Gorbey does not contend that this is the case.

Finally, Gorbey is fined \$500 to deter him from filing further frivolous and repetitive cases. He has filed hundreds of such cases in courts around the country, and several other courts have already issued filing bars or fines against him. *See, e.g., In re Gorbey*, No. 22-C-07029, 2022 WL 22298310 (N.D. Ill. Dec. 16, 2022); *Gorbey v. NFN NLN*, 856 F. App'x 526 (5th Cir. 2021); *Feather-Gorbey v. Warden*, No. 21-367, 2022 WL 351674 (S.D. W. Va. Feb. 4, 2022). Until he pays that sum in full, any federal court of this circuit will return unfiled any collateral attack on his criminal convictions or sentence and any habeas corpus action related to the implementation of his sentence. *See Montgomery v. Davis*, 362 F.3d 956, 957–58 (7th Cir. 2004). As in *Montgomery*, the filing bar imposed by

this order applies to any postjudgment motions Gorbey might try to file in any existing case.

AFFIRMED