

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA)	
)	
)	Case No. 1:03CR00012-002
)	
v.)	OPINION AND ORDER
)	
MERRIE ELLEN REID,)	By: James P. Jones
)	United States District Judge
Defendant.)	

Merrie Ellen Reid, Pro Se.

By Opinion and Order of June 10, 2014, I denied the pro se motion of Merrie Ellen Reid, a federal inmate, for copies without cost to her of transcripts of her 2003 trial and sentencing in this court. *United States v. Reid*, No. 1:03CR00012-002 (W.D. Va. June 10, 2014) In her motion, Reid averred that she intended to file a motion under 28 U.S.C. § 2255 based upon the recent Supreme Court decision in *Rosemond v. United States*, 134 S. Ct. 1240 (2014), and accordingly needed copies of the transcripts.

In denying her motion, I noted that Reid had already pursued an unsuccessful § 2255 motion and had not indicated that she was authorized under § 2255(h) to file a second or successive § 2255 motion. Reid has now filed a “renewed” motion. In it, she concedes that she cannot file a second § 2255 motion, but again seeks copies of the trial and sentencing transcripts at public expense in

preparation for seeking habeas corpus relief under 28 U.S.C. § 2241. After review of her motion, I find that it must be denied.

Under certain circumstances, an indigent person may obtain copies of court documents related to her criminal prosecution at public expense if she can show that she is pursuing some non-frivolous action in federal court and that the items requested are needed for just adjudication of such an action. See 28 U.S.C. § 753(f); *United States v. MacCollom*, 426 U.S. 317, 322 (1976); *Jones v. Superintendent, Va. State Farm*, 460 F.2d 150, 152 (4th Cir. 1972). She must also show that she has applied for, and has been granted, in forma pauperis status to proceed with a habeas action. 28 U.S.C. § 753(f).

A habeas corpus petition under § 2241 must be filed in the district in which the prisoner is confined. *In re Jones*, 226 F.3d 328, 332 (4th Cir. 2000). To proceed with such a habeas corpus action, the petitioner must prepay a five dollar filing fee or have her application to proceed in forma pauperis granted by the court. See 28 U.S.C. § 1914(a). A § 2241 petition may be used to challenge a federal inmate's underlying conviction only in limited circumstances. *In re Jones*, 226 F.3d at 333. Among other things, the petitioner must show that in light of changes in the law after her conviction, her offense conduct could no longer be considered criminal. *Id.*

Reid is currently incarcerated at a federal prison facility located in the jurisdiction of the United States District Court for the Northern District of Texas. Therefore, that court, not the Western District of Virginia, is the appropriate jurisdiction to adjudicate Reid's claims under § 2241. *Id.* at 332. Reid offers no indication in her present motion, however, that she has filed a § 2241 petition in the Northern District of Texas or that she has been granted in forma pauperis status to proceed with a nonfrivolous petition there. Thus, § 753(f) does not authorize this court to provide her the requested transcripts without cost. *See MacCollom*, 426 U.S. at 322 n.2.

Furthermore, Reid does not state any facts on which she rests her belief that her claims under § 2241 are nonfrivolous. She asserts that in light of the recent *Rosemond*, she is actually innocent of her convictions for aiding and abetting her codefendant in the possession of a firearm in furtherance of bank robbery and carjacking, in violation of 18 U.S.C. § 924(c). In *Rosemond*, the Court reversed a defendant's conviction for aiding and abetting a § 924(c) offense, finding that it had been error not to instruct the jury that in order to convict, it was necessary that the government prove that the defendant had advance knowledge that a gun would be used. 134 S. Ct. at 1251-52. Reid, who was also convicted of conspiracy to rob a bank and carjack a vehicle, does not state any facts supporting her purported

claim that she did not know her codefendant would to use a gun to commit these crimes.

For all of these reasons, it is **ORDERED** that Reid's motion (ECF No. 101) is DENIED.

ENTER: July 1, 2014

/s/ James P. Jones
United States District Judge