

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 24 2026

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NORMAN ALAN KERR,

Petitioner - Appellant,

v.

WARDEN,

Respondent - Appellee.

No. 25-236

D.C. No.

2:23-cv-02134-DJC-AC

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Daniel J. Calabretta, District Court, Presiding

Submitted February 18, 2026**

Before: CALLAHAN, FRIEDLAND, and BRESS, Circuit Judges.

Federal prisoner Norman Alan Kerr appeals pro se from the district court's judgment dismissing his petition for a writ of habeas corpus under 28 U.S.C.

§ 2241. We have jurisdiction under 28 U.S.C. § 1291. Reviewing de novo, *see*

Lane v. Swain, 910 F.3d 1293, 1295 (9th Cir. 2018), we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Kerr claims that the Bureau of Prisons (“BOP”) has withheld application of credits earned under the First Step Act based on an erroneous risk assessment. Although his claim ostensibly concerns BOP action, it is predicated on Kerr’s contention that his conviction under 18 U.S.C. § 922(g) and sentence under § 924(e) are invalid. According to Kerr, he lacked the prior predicate felonies to be convicted under § 922(g) or sentenced under § 924(e), and the jury found him not guilty under § 922(g). Kerr’s challenge to his conviction is cognizable in a § 2241 petition only if “unusual circumstances make it impossible or impracticable to seek relief in the sentencing court.” *Jones v. Hendrix*, 599 U.S. 465, 478 (2023). The district court correctly determined that Kerr’s challenge was not proper in a § 2241 petition, as Kerr raised the same arguments in his direct appeal and in a 28 U.S.C. § 2255 motion. *See United States v. Kerr*, 737 F.3d 33, 34 (4th Cir. 2013) (direct appeal); *Kerr v. United States*, No. 1:09CR290-1, 2015 WL 13548159, at *3-4 (M.D.N.C. Dec. 31, 2015), *report and recommendation adopted as modified*, No. 1:09CR290-1, 2017 WL 11951966 (M.D.N.C. Dec. 21, 2017) (§ 2255 motion).

We do not consider any claims raised for the first time on appeal, *see Cacoperdo v. Demosthenes*, 37 F.3d 504, 507 (9th Cir. 1994), or that were not supported by argument in the opening brief, *see Acosta-Huerta v. Estelle*, 7 F.3d 139, 144 (9th Cir. 1992), *as amended* (Oct. 8, 1993).

AFFIRMED.