

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 1 2026

FOR THE NINTH CIRCUIT

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

RAYMOND BULLETTE,

Petitioner - Appellant,

v.

Warden LEPE, USP-Victorville,

Respondent - Appellee.

No. 26-1664

D.C. No.

5:26-cv-00160-FMO-E

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Fernando M. Olguin, District Judge, Presiding

Submitted August 25, 2026**

Before: SILVERMAN, N.R. SMITH, and DE ALBA, Circuit Judges.

Federal prisoner Raymond Bullette appeals pro se from the district court's judgment dismissing without prejudice 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, *Tripathi v. Henman*, 843 F.2d 1160, 1162 (9th Cir. 1988), 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).

Bullette’s § 2241 petition alleged he is actually innocent of his mandatory life sentence because he was convicted of violating 21 U.S.C. § 846, not 21 U.S.C. § 841. He maintains this claim properly invoked the “escape hatch” or “saving clause” of 28 U.S.C. § 2255(e). However, the saving clause is available only when “the remedy by [§ 2255] motion is inadequate or ineffective to test the legality of [the prisoner’s] detention.” 28 U.S.C. § 2255(e). The district court correctly determined that § 2241 relief is unavailable because Bullette failed to demonstrate “unusual circumstances [that] make it impossible or impracticable [for him] to seek relief in the sentencing court.” *Jones v. Hendrix*, 599 U.S. 465, 478 (2023).

AFFIRMED.