

Case Nos. 5:16-CV-1407
Gwin, J.

Additionally, when a defendant unsuccessfully appeals, the conviction judgment becomes final one year plus 90 days from the date the Sixth Circuit issued its opinion.²

The Sixth Circuit affirmed Mosley's conviction for Armed Bank Robbery on February 8, 1988.³ Mosley's period to file a § 2255 petition therefore expired on May 9, 1989. Petitioner Mosley filed the instant petition on June 8, 2016, more than 25 years after the statute of limitations expired.⁴

Mosley mentions that he was "shot by the feds" while he was "lying on the ground."⁵ Mosley offers neither evidence nor context for this allegation. These facts describe a potential *Bivens* claim, not the foundation for a § 2255 petition to vacate.⁶

The Court **DENIES** Petitioner Mosley's § 2255 petition.

IT IS SO ORDERED.

Dated: May 2, 2017

s/ James S. Gwin

JAMES S. GWIN
UNITED STATES DISTRICT JUDGE

² *Clay v. United States*, 537 U.S. 522, 532 (2003); *United States v. McKinney*, 2015 WL 770312, at *2 (N.D. Ohio Feb. 23, 2015).

³ Doc. [1](#) at 7.

⁴ Doc. [2-1](#).

⁵ *Id.* at 3.

⁶ *Bivens v. Six Unknown Agents*, 403 U.S. 383 (1971).