

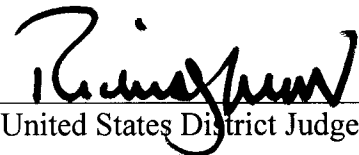
NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

883 (D.C. Cir. 1952) (attack on the constitutionality of the statute under which defendant was convicted and sentenced is properly pursued by motion under 28 U.S.C. § 2255); *Ojo v. Immigration & Naturalization Service*, 106 F.3d 680, 683 (5th Cir. 1997) (the sentencing court is the only court with jurisdiction to hear defendant's complaint regarding errors that occurred before or during sentencing). Because plaintiff has already filed a § 2255(a) motion, *see* Civil Action No. 08-1248 pending in this court, this complaint will be dismissed without prejudice for lack of subject matter jurisdiction.

A separate order accompanies this memorandum opinion.

Date:

8/3/08


United States District Judge