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**Clerk, U.S. District and
Bankruptcy Courts**

Respondent.

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Civil Action No. 19-3279 (UNA)

[a] prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack.

may move the court which imposed the sentence to vacate, set aside or correct the sentence.


28 U.S.C. § 2255(a). “Petitioner ‘could have raised his extradition claim in the sentencing court, either at the time of sentencing or thereafter in his motion to vacate the sentence under § 2255.’”

Manuel v. Gillis, No. 1:05-cv-1130, 2005 WL 1563507, at *2 (M.D. Pa. July 1, 2005) (quoting *Quezadaruiz v. Nash*, No. 04-cv-5544, 2005 WL 1398506, *3 (D.N.J. June 14, 2005)).

This is not the federal district court which sentenced Petitioner and, therefore, the Court will grant his motion to proceed *in forma pauperis* and dismiss his petition without prejudice.

An order is issued separately.

DATE: November 8, 2019



TANYA S. CHUTKAN
United States District Judge