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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

|                           |   |                              |
|---------------------------|---|------------------------------|
| United States of America, | ) | No. CR 06-1550-TUC-JMR (CRP) |
| Plaintiff,                | ) | No. CV 07-380-TUC-JMR        |
| v.                        | ) | <b>ORDER</b>                 |
| Antonio Landa-Ortiz,      | ) |                              |
| Defendant/Movant.         | ) |                              |

Movant Antonio Landa-Ortiz, who is confined in the Corrections Corporation of America’s Central Arizona Detention Center in Florence, Arizona, filed a *pro se* “Motion for Time Reduction by an Inmate in Federal Custody, (28 U.S.C. § 2255)” (“Motion”). The Court will summarily deny the Motion.

Movant pled guilty to Illegal Re-entry after Deportation, in violation of 8 U.S.C. § 1326(a), enhanced by 8 U.S.C. § 1326(b)(1). On July 27, 2007, the Court sentenced Movant to a 21-month term of imprisonment followed by 36 months on supervised release.

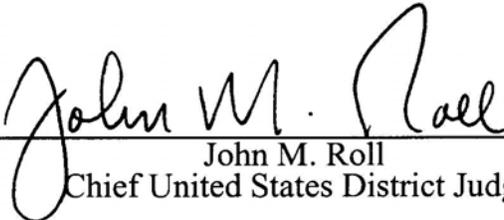
On August 6, 2007, Movant filed a Notice of Appeal (Doc. #28) to the United States Court of Appeals for the Ninth Circuit from the judgment of conviction and sentence.

The United States Court of Appeals for the Ninth Circuit has instructed the district courts that they should not entertain § 2255 motions while there is a direct appeal pending in either the Ninth Circuit or the Supreme Court. United States v. Deeb, 944 F.2d 545, 548 (9th Cir. 1991); Feldman v. Henman, 815 F.2d 1318, 1320 (9th Cir. 1987); see also United

1 States v. Pirro, 104 F.3d 297, 299 (9th Cir. 1997); Rule 5, Rules Governing Section 2255  
2 Proceedings for the United States District Courts, Advisory Comm. Note (1976) (absent  
3 extraordinary circumstances, the orderly administration of criminal justice precludes a district  
4 court from considering a § 2255 motion while review of the direct appeal is still pending).  
5 Accordingly, Movant's § 2255 Motion will be denied without prejudice pending resolution  
6 of Movant's direct appeal.

7 **IT IS THEREFORE ORDERED** that the "Motion for Time Reduction by an Inmate  
8 in Federal Custody, (28 U.S.C. § 2255)" (Doc. #30 in CR 06-1550-TUC-JMR (CRP)) is  
9 **denied** and that the civil action opened in connection with this Motion (CV 07-380-TUC-  
10 JMR) is **dismissed without prejudice**. The Clerk of Court must enter judgment accordingly.

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12 DATED this 20th day of August, 2007.

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18 John M. Roll  
19 Chief United States District Judge  
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