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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 ERIC AHLENIUS,

No. CIV S-10-0009-CMK-P

12 Petitioner,

13 vs.

ORDER

14 RICHARD B. IVES,

15 Respondent.
16 _____/

17 Petitioner, a federal prisoner proceeding pro se, brings this petition for a writ of
18 habeas corpus pursuant to 28 U.S.C. § 2241. According to petitioner, he was convicted in
19 January 2000 following a guilty plea of violating 21 U.S.C. § 841(a)(1) and (b)(1)(B). Petitioner
20 states that, over his objection, he was sentenced to 188 months as a “career offender.” In the
21 instant petition, petitioner argues that, pursuant to the recent Supreme Court decision in
22 Chambers v. United States, 129 S.Ct. 687 (2009), he “is actually and factually innocent of being
23 a career offender.”

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1 The court finds that petitioner's action is a challenge to his sentence which should
2 be addressed in the first instance by the sentencing court under 28 U.S.C. § 2255. Petitioner was
3 advised as much by Judge Babcock of the District of Colorado in a June 2, 2009, order in which
4 the judge stated: "Moreover. . . , a prisoner may not challenge a sentence or conviction for which
5 he is currently in custody through a writ of coram nobis, . . . when other remedies exist, such as a
6 motion under 28 U.S.C. § 2255." In the interest of justice, the court will transfer this matter to
7 the United States District Court for the District of Colorado to be considered as a § 2255 motion.
8 See 28 U.S.C. § 1631. The Clerk of the Court is directed to close the matter on this court's
9 docket.

10 IT IS SO ORDERED.

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12 DATED: May 20, 2010

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14 **CRAIG M. KELLISON**
15 UNITED STATES MAGISTRATE JUDGE
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