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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ISMA'IL UBAID-ALLAH,  
  
  Petitioner,  
  
  v.  
  
UNITED STATES OF AMERICA,  
  
  Respondent.

No. 2:17-cv-1964 GEB KJN P

ORDER

Petitioner is a federal prisoner, proceeding without counsel. On September 20, 2017, petitioner filed a pleading titled "Motion and Affidavit Under 18 U.S.C. § 3742(a)(3)." In this pleading, petitioner challenges his sentence on grounds that a term of supervised release was illegally imposed.

Section 3742(a)(3) permits defendants to appeal if a sentence imposed by the district court is greater than the sentence specified in the applicable guideline range to the extent that the sentence includes a greater fine or term of imprisonment, probation, or supervised release than the maximum established in the guideline range, or includes a more limiting condition of probation or supervised release under section 3563(b)(6) or (b)(11) than the maximum established in the guideline range[.]

18 U.S.C. § 3742(a)(3).

Petitioner's motion pursuant to 18 U.S.C. § 3742(a)(3) should be filed in petitioner's criminal case.


1 The undersigned will direct the Clerk of the Court to file petitioner's motion in his  
2 criminal case. However, for the reasons stated herein, petitioner is ordered to file further briefing  
3 to assist the court in determining his criminal case number.

4 Attached to petitioner's motion is a document titled "Sentencing Monitoring Computation  
5 Data." (ECF No. 1 at 10.) This document, dated August 31, 2017, contains petitioner's name and  
6 indicates that on December 3, 1982, he was sentenced in case no. 82-cr-9 in the United States  
7 District Court for the Eastern District of California. (Id.) However, court records for case no. 82-  
8 cr-9 contain a different name and identification number.

9 Petitioner is directed to file further briefing clarifying the criminal case he is challenging  
10 in the pending motion. If petitioner is challenging a sentence imposed in case no. 82-cr-9,  
11 petitioner shall inform the court whether he had a different name when he was convicted in that  
12 case and, if so, what name he went by at that time. If petitioner is challenging the sentence  
13 imposed in case no. 82-cr-9, he shall also inform the court whether his identification number has  
14 changed since his sentencing in 1982. Following receipt of this further briefing, the undersigned  
15 will issue further orders.

16 Accordingly, IT IS HEREBY ORDERED that petitioner shall file the further briefing  
17 discussed above within thirty days of the date of this order.

18 Dated: December 14, 2017

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21 KENDALL J. NEWMAN  
22 UNITED STATES MAGISTRATE JUDGE

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