

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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)." (ECF No. 1.) 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).

On December 14, 2017, the undersigned issued an order finding that petitioner's motion pursuant to 18 U.S.C. § 3742(a)(3) should be filed in petitioner's criminal case. (ECF No. 7.)

1 In the December 14, 2017 order, the undersigned ordered petitioner to file further briefing  
2 to assist the court in determining his criminal case number. (Id.) In particular, petitioner was  
3 directed to clarify whether he was challenging a sentence imposed in 82-cr-9 in the United States  
4 District Court for the Eastern District of California. (Id.) Petitioner was also directed to inform  
5 the court whether he had a different name at the time he was convicted. (Id.)

6 On January 8, 2018, petitioner filed a response to the December 14, 2017 order. (ECF No.  
7 8.) In this briefing, petitioner indicates that he is challenging a sentence issued in case no. 82-9.  
8 (Id.) Petitioner also states that at the time of his conviction, he went by the name Donald  
9 Calhoun. (Id.)

10 Court records confirm that Donald Calhoun, aka Isma'il Ubaid-Allah, was convicted in  
11 case no. 82-9.

12 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to file  
13 petitioner's Motion and Affidavit Under 18 U.S.C. § 3742(a)(3) (ECF No. 1) in case no. 82-cr-9;  
14 the Clerk of the Court shall then close the instant action.

15 Dated: January 11, 2018

16   
17 \_\_\_\_\_  
18 KENDALL J. NEWMAN  
19 UNITED STATES MAGISTRATE JUDGE

20 Ubaid1964.ord  
21  
22  
23  
24  
25  
26  
27  
28