

1
2
3
4
5
6 IN THE UNITED STATES DISTRICT COURT
7
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9

10 UNITED STATES OF AMERICA,

No. CR 04-0319 WHA

11 Plaintiff,

12 v.

**ORDER RE PROPER VENUE
FOR PENDING MOTION**

13 SALVADOR SANDOVAL-OCHOA,

14 Defendant.
15 _____/

16 Defendant was originally sentenced by the undersigned judge for illegal entry.
17 Defendant served time, was deported, and then re-entered the country. He was convicted of
18 illegal entry once again, this time in Utah. Recently, he made a motion for appointment of
19 counsel to the District Court of Utah. The Clerk of that court forwarded the request here
20 because the original conviction occurred in this district.

21 The Court requested the views of the Federal Public Defender as to defendant's pending
22 application for appointment of counsel. The Federal Public Defender filed a response, which
23 pointed out that defendant was not subject to any sentencing enhancements in this district but
24 that the "33-month sentence in his District of Utah case number 15-00037-DN, however, could
25 be the result of an offense-level enhancement" (Dkt. No. 43). The Federal Public Defender
26 noted that a return transfer would most likely "reflect Mr. Sandoval-Ochoa's intent to attack his
27 District of Utah section 1326 judgment." The Federal Public Defender further stated:


28 Undersigned counsel contacted the Office of the Federal Public
Defender for the District of Utah regarding Mr. Sandoval-Ochoa's
filing. The office is aware of the filing, and undersigned counsel

understands the Office is taking steps regarding Mr. Sandoval-Ochoa's representation.

This order concludes that defendant intended to attack the sentence imposed by the District Court of Utah. The pending motion should have been docketed in Case Number 15-00037-DN in that court. The **CLERK SHALL PLEASE MAIL** a copy of this order along with the pending motion and its attachments to the Clerk of the District Court of Utah.

IT IS SO ORDERED.

Dated: October 6, 2016.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE