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E-FILED - 11/30/10

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff-Respondent,
v.
DAVID MARC GOVANG,
Defendant-Petitioner.

CASE NO. C-05-05205-RMW
Related to: CR-07-00349-RMW
ORDER SUMMARILY DISMISSING
MOTION UNDER 28 U.S.C. § 2255

On October 20, 2009, David Marc Govang filed a motion under 28 U.S.C. § 2255 to vacate, set aside or correct his sentence. The motion seeks to set aside his conviction and sentence entered on November 14, 2007 on the basis that the judgment against him is void. The judgment was entered following Govang's plea of guilty pursuant to a plea agreement. Govang's argument is difficult to follow but he apparently claims that the statute under which he was prosecuted was not validity enacted. The motion is without merit and is hereby summarily dismissed pursuant to Rule 4(b) of the Rules Governing Section 2255 Proceedings.

The court does not find that the issue raised in movant's § 2255 motion warrants a certificate of appealability. The Clerk may close the file.

DATED: 11/30/10



RONALD M. WHYTE
United States District Judge

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Copy of Order mailed on 12/1/10 to:

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Defendant-Petitioner in Pro Se