

1 id. at 1163. A prisoner may not attack collaterally a federal conviction or sentence
2 by way of a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. See
3 Grady v. United States, 929 F.2d 468, 470 (9th Cir. 1991) (challenge to sentence
4 following probation or parole revocation must be brought in sentencing court via §
5 2255 motion); Tripati, 843 F.2d at 1162 (challenge to legality of conviction must be
6 brought in sentencing court via § 2255 motion); see also United States v. Flores, 616
7 F.2d 840, 842 (5th Cir. 1980) (where challenge is to alleged errors at or prior to
8 sentencing remedy is § 2255 motion, not § 2241 writ).

9 Because it is clear that Petitioner is challenging the constitutionality of his
10 conviction rather than its execution, the petition should have been filed under 28
11 U.S.C. § 2255 rather than § 2241. See Tripati, 843 F.2d at 1162. Furthermore, only
12 the sentencing court, i.e., the United States District Court for the District of
13 Maryland, has jurisdiction over this petition. See id. at 1163.

14 Accordingly, the above-titled action is hereby **TRANSFERRED** to the
15 United States District Court for the District of Maryland. See 28 U.S.C. § 1631.

16 The Court also notes that Petitioner indicated on the petition that he was
17 filing it “In the United States District Court for the 9th Circuit.”¹ (Docket No. 1 at
18 1.) To the extent that Petitioner may have intended to file an appeal, he should do so
19 in the United States Court of Appeals for the Fourth Circuit, which has appellate
20 jurisdiction over the United States District Court for the District of Maryland.

21 The Clerk shall transfer this matter and terminate any pending motions.

22
23 DATED: 9/28/2015


24 EDWARD J. DAVILA
United States District Judge

25
26 ¹Petitioner states that the “US District Court for the 9th Circuit” has
27 jurisdiction over this matter because one of the government witnesses against him
28 resides in California and because the crime for which he was convicted involved
transactions over the internet and took place in the State of California, among
others. (Docket No. 1 at 3.) As discussed above, this matter should have been filed
as a § 2255 petition over which only the sentencing court has jurisdiction.

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

ROBIN NEIL SNYDER,
Petitioner,

Case Number: CV15-02450 EJD

CERTIFICATE OF SERVICE

v.

UNITED STATES OF AMERICA,
Respondent.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 9/30/2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Robin Neil Snyder
8109 Streamwood Dr
Baltimore, MD 21208

Dated: 9/30/2015

Susan Y. Soong, Clerk
/s/ Elizabeth Garcia, Deputy Clerk