



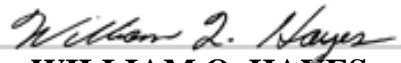
**RULING OF THE COURT**

This Court has no jurisdiction to correct or modify criminal judgment to grant a relief from judgment at this stage in the proceedings. *See*, Rule 35(a) of the Federal Rules of Criminal Procedure.

28 U.S.C. §2255 provides that “A prisoner under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence.” The Sentencing Reform Act gives the Bureau of Prisons the responsibility to “designate the place of the prisoner’s imprisonment.” 18 U.S.C. § 3621(b). *See United States v. Cubillos*, 91 F.3d 1342, 1344-45 (9th Cir. 1996). Defendant’s motion does not state a challenge to the legality of his sentence as required for relief under 28 U.S.C. § 2255.

IT IS HEREBY ORDERED that the Motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence by a person in federal custody filed by Defendant is denied.

DATED: October 19, 2007

  
**WILLIAM Q. HAYES**  
United States District Judge