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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

VICTOR PEDRO TORRES-AYON,

 Defendant-Petitioner,

 v.

UNITED STATES OF AMERICA,

 Respondent.

CASE NO. 13-CV-0447 W
 11-CR-4786 W

**ORDER DENYING
MOTION FOR SENTENCE
RELIEF [DOC. 47]**

Pending before the Court is Petitioner Victor Pedro Torres-Ayon’s Motion for Sentence Relief Under the Federal Prison Bureau Non-Violent Offender Relief Act of 2003 (the “Motion” [Doc. 47]). The Court has reviewed the Motion, as well as the relevant records on the docket.

The record establishes that on October 30, 2012, Petitioner entered into a Plea Agreement, and waived both his right to appeal and collaterally attack his conviction and sentence. (*Plea Agreement* [Doc. 38]¶ XI.) The Motion does not raise any challenge to the validity of that waiver. Additionally, having reviewed the Plea Agreement, the Court finds that Petitioner knowingly and voluntarily waived his right to appeal and collaterally attack his sentence. This Court, therefore, lacks jurisdiction to consider any collateral challenge to his conviction and sentence. See Washington v. Lampert, 422 F.3d 864 F.3d 864, 869–70 (9th Cir. 2005) (recognizing that if

1 sentencing stipulation's waiver of the right to file a federal habeas petition was valid,
2 district court lacked jurisdiction to hear the case).

3 Accordingly, the Court **DENIES** the Motion [Doc. 47].

4 **IT IS SO ORDERED.**

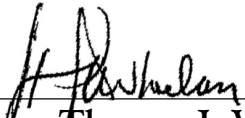
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6 **DATED: April 11, 2013**

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Hon. Thomas J. Whelan
United States District Judge

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