

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

<p>NICHOLAS OGBURN,</p> <p style="text-align: center;">Petitioner,</p> <p style="text-align: center;">VS.</p> <p>UNITED STATES OF AMERICA,</p> <p style="text-align: center;">Respondent.</p>	<p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p> <p>:</p>	<p>CIVIL ACTION: 5:16-CV-345 (CAR)</p>
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ORDER

Petitioner Nicholas Ogburn, an inmate confined at the United States Penitentiary in Atlanta, Georgia, has filed a 28 U.S.C. § 2255 motion in which he seeks to challenge his criminal conviction in this Court. Petitioner’s pleading should have been filed in his federal criminal case rather than as a separate civil action. It is thus **ORDERED** that the present case be administratively **CLOSED** and that Petitioner’s application for federal habeas relief be filed as a motion in his criminal case: *United States v. Ogburn*, No. 5:14-cr-0050-MTT-CHW-5. The motion shall be deemed filed the same date as his initial pleading in this action.

SO ORDERED, this 16th day of August, 2016.

S/ C. Ashley Royal
C. ASHLEY ROYAL
UNITED STATES DISTRICT JUDGE