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TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAFAYETTE DIVISION

JULIAN BARTLEY

CIVIL ACTION NO. 6:17-270

VERSUS

JUDGE DOHERTY

LORETTA LYNCH, ET AL.

MAGISTRATE JUDGE WHITEHURST

JUDGMENT

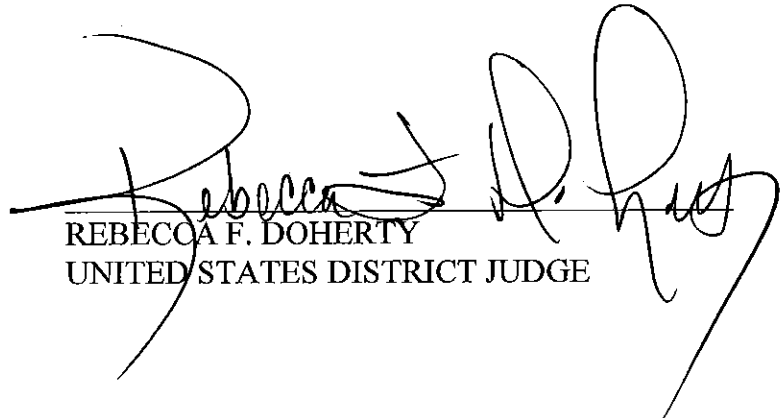
For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, determining that the findings are correct under the applicable law, and considering petitioner's "Motion To Transfer Case To the Western District Court" (which has been docketed as an objection to the Report and Recommendation)¹;

IT IS ORDERED that the Petition for Writ of *Habeas Corpus* [Doc. 1] be **TRANSFERRED** to the United States Court of Appeals for the Third Circuit.

¹Pursuant to his motion, petitioner "moves this Honorable Third Circuit Court of Appeals to transfer his case to the District Court of [the] Western [District of] Louisiana for an evidentiary hearing regarding his United States Citizenship." [Doc. 6, p. 1] To the extent the foregoing motion is made before this Court, this Court is without jurisdiction to grant such relief. *See* 8 U.S.C. § 1252(b)(2). Rather, petitioner's motion must be addressed to the Third Circuit Court of Appeals. *Id.* If the Third Circuit determines "no genuine issue of material fact about the petitioner's nationality is presented," that Court "shall decide the nationality claim." *Id.* at § 1252(b)(5)(A). If the Third Circuit determines "a genuine issue of material fact about the petitioner's nationality is presented," the Third Circuit "shall transfer the proceeding to the district court of the United States for the judicial district in which the petitioner resides for a new hearing on the nationality claim and a decision on that claim. . . ." *Id.* at § 1252(b)(5)(B). Accordingly, the issues presented by petitioner's motion are for the Third Circuit alone to decide.

THUS DONE AND SIGNED, in chambers, in Lafayette, Louisiana, on this 12th

day of June, 2017.



REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE