

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,
Plaintiff,
vs.
MARIO JACOB SAPP,
Defendant.

Case No. 2:17-cv-01238-KJD-VCF

ORDER

Mario Jacob Sapp, who was the defendant in United States v. Sapp, 2:15-cv-00221-KJD-NJK, has filed a post-conviction petition for a writ of habeas corpus. He is challenging the validity of his indictment, and, consequently, the validity of his sentence. The appropriate remedy for his claims is through either appeal, which he currently is pursuing, or a motion pursuant to 28 U.S.C. § 2255, filed in United States v. Sapp. The court will dismiss this action.

Reasonable jurists would not find the court's conclusion to be debatable or wrong, and the court will not issue a certificate of appealability.

IT IS THEREFORE ORDERED that this action is **DISMISSED** without prejudice. The clerk of the court shall enter judgment accordingly and close this action.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

DATED: May 5, 2017



KENT J. DAWSON
United States District Judge