

UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF NEW YORK

-----X  
 BRYAN NOBLE, :  
 :  
 Petitioner, :  
 -against- :  
 :  
 UNITED STATES OF AMERICA, :  
 :  
 Respondent. :  
 -----X

**SUMMARY ORDER**

10-CV- 3590 (DLI)

**DORA L. IRIZARRY, U.S. District Judge:**

Petitioner Bryan Noble, who is currently in custody at the Federal Correctional Institution Gilmer in Glenville, West Virginia, filed this *pro se* petition addressed to the Supreme Court of the United States. *See United States v. Noble*, 07-cr-00284-RJS (S.D.N.Y. Dec. 12, 2008), *aff'd*, 2d Cir. Mandate No. 08-6204-cr (2d Cir. March 5, 2010). It is not entirely clear what relief petitioner is seeking. To the extent that he means to challenge the 2008 conviction or sentence entered in the United States District Court for the Southern District of New York (“SDNY”), such a challenge must be brought as a writ of habeas corpus pursuant to 28 U.S.C. § 2255 and must be brought in that district. Accordingly, the Clerk of Court is directed to transfer this case to the SDNY, pursuant to 28 U.S.C. § 1631. *See* 28 U.S.C. § 1406(a). That provision of Rule 83.1 of the Local Rules of the Eastern District of New York which requires a seven-day delay is hereby waived.

SO ORDERED.

Dated: Brooklyn, New York  
 October 6, 2010

\_\_\_\_\_/s/\_\_\_\_\_  
 DORA L. IRIZARRY  
 United States District Judge