

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

GEORGE SEPULVEDA, : Civil No. 1:17-cv-1718
Petitioner, :
v. :
WARDEN J. BALTAZAR, : Judge Rambo
Respondent. : Magistrate Judge Carlson

ORDER

AND NOW, this 23rd day of October, 2017, IT IS HEREBY
ORDERED as follows:

- 1) The report and recommendation of the magistrate judge (Doc. 3) is **ADOPTED**;
- 2) The petition for a writ of habeas corpus is **DENIED** because the court lacks jurisdiction to consider the petition;
- 3) The aforesaid order is without prejudice to Sepulveda to take whatever action before the United States Court of Appeals for the First Circuit be deemed proper under 28 U.S.C. § 2255;
- 4) The court declines to issue a certificate of appealability as it is without jurisdiction to do so.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge