

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

YAKOV DRABOVSKIY, :
 :
 Petitioner, : CIVIL ACTION NO. 3:14-CV-485
 :
 v. : (JUDGE CONABOY)
 : (Magistrate Judge Carlson)
 :
 UNITED STATES OF AMERICA, :
 :
 Respondent. :
 :

ORDER

**AND NOW, THIS 31st DAY OF MARCH 2014, FOR THE REASONS
DISCUSSED IN THE SIMULTANEOUSLY FILED MEMORANDUM, IT IS HEREBY
ORDERED THAT:**

1. Magistrate Judge Carlson's Report and Recommendation (Doc. 3) is adopted in part;
2. Petitioner's claims regarding the constitutionality of the statute of conviction, 8 U.S.C. § 1253, which are properly raised in a 28 U.S.C. § 2255 motion are transferred to the United States District Court for the Western District of Louisiana pursuant to 28 U.S.C. § 1631;
3. Petitioner's claims regarding the constitutionality of statutes related to his order of removal are transferred to the United States Court of Appeals for the Fifth Circuit pursuant to 28 U.S.C. § 1631;
4. The petition is dismissed in all other respects;

5. Petitioner's motion for leave to proceed *in forma pauperis*(Doc. 2) is granted for this filing only;
6. The Clerk of Court is to mark this matter closed in this Court.

S/Richard P. Conaboy
RICHARD P. CONABOY
United States District Judge