

had expired before his petition was adjudicated. The United States Supreme Court vacated and remanded on the basis that the petitioner was entitled to consideration of his application for relief on its merits, even though he was no longer in custody, because of the “collateral consequences” he suffered as a result of his conviction. The Court did not, however, overrule the requirement that applicants be “in custody” when the application for federal habeas corpus is filed. Indeed, it specifically referenced the mandatory nature of this requirement and the fact that the petitioner was in custody when his application was filed.

Although this Court is sympathetic to Petitioner’s procedural predicament, one that he has so emotionally detailed in his Objections, and the “collateral consequences” he must face as a result of his conviction, he has no avenue for relief in federal court by way of a petition for writ of habeas corpus. All further Objections not specifically referenced herein are deemed without merit and do not require discussion.

IT IS FURTHER ORDERED that the Clerk is to mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order then a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.



David Stewart Cercone
United States District Judge

cc: Honorable Lisa Pupo Lenihan
David B. Chontos, Esquire

(Via ECF Electronic Mail)