

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 03-5258

September Term, 2003

03cv01732

Filed On: February 27, 2004 [806020]

Matthew T. Millhouse, Jr.,
Appellant

v.

Kathleen Hawk Sawyer, Former Director, FBOP and
John D. Ashcroft, Attorney General,
Appellees

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

BEFORE: Ginsburg, Chief Judge, and Rogers and Garland, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief filed by the appellant. It is

ORDERED AND ADJUDGED that the district court's final judgment filed August 14, 2003, dismissing without prejudice appellant's petition for a writ of habeas corpus, be affirmed. The district court correctly determined that appellant's petition constitutes an attack on the validity of his conviction and sentence, which should be presented to the sentencing court by a motion under 28 U.S.C. § 2255.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam