

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 10-5173

September Term 2009

1:10-cv-00708-UNA

Filed On: September 28, 2010

Rudy Stanko,

Appellant

v.

Eric H. Holder, Jr.,

Appellee

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

BEFORE: Sentelle, Chief Judge, and Brown and Griffith,
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 appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court's order filed May 5, 2010, be affirmed. The court properly dismissed appellant's petition for a declaratory judgment or, in the alternative, petition for a writ of habeas corpus, as the petition represents a collateral challenge to appellant's criminal convictions from the District of Nebraska, such a challenge must be brought by motion in the sentencing court under 28 U.S.C. § 2255, and that remedy is not inadequate or ineffective in appellant's case.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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