

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-5251

September Term, 2019

1:19-cv-02312-JEB

Filed On: March 16, 2020

James Donald Russian, in propria persona,

Appellant

v.

Eric F. Melgren,

Appellee

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

**BEFORE:** Tatel and Millett, Circuit Judges; Sentelle, Senior Circuit Judge

### 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 and appendix 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 August 26, 2019 order denying without prejudice appellant's petition for writ of habeas corpus be affirmed. Appellant was convicted and sentenced in the District of Kansas, where he is currently incarcerated. The district court did not err in denying the petition without prejudice because the "District of Columbia is neither the district of residence of [appellant's] immediate custodian for purposes of [28 U.S.C.] § 2241 habeas relief nor the district of sentencing for [28 U.S.C.] § 2255 purposes." Day v. Trump, 860 F.3d 686, 691 (D.C. Cir. 2017).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

**FOR THE COURT:**

Mark J. Langer, Clerk

BY: /s/  
Daniel J. Reidy  
Deputy Clerk