

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-5302

September Term, 2019

1:19-cv-02161-DLF

Filed On: April 15, 2020

David Carroll Stephenson,

Appellant

v.

William P. Barr, Attorney General,

Appellee

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

BEFORE: Tatel and Millett, Circuit Judges, and 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). Upon consideration of the foregoing, and appellant’s motion, titled “Appellant’s Objection to District Court’s Refusal to Address Appellant’s F.R.C.P. 60(b) Motion for Relief,” it is

ORDERED that the motion be dismissed as moot. Because appellant is a federal prisoner seeking relief under 28 U.S.C. § 2241, he is not required to obtain a certificate of appealability. See 28 U.S.C. § 2253(c)(1); Sugarman v. Pitzer, 170 F.3d 1145 (D.C. Cir. 1999) (per curiam). It is

FURTHER ORDERED AND ADJUDGED that the district court’s dismissal order, filed August 2, 2019, and orders denying reconsideration, filed August 30 and September 13, 2019, be affirmed. Appellant was convicted and sentenced in the Western District of Washington, and is currently incarcerated in the Central District of California. The district court properly concluded that 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). To the extent appellant’s petition also sought relief pursuant to 18 U.S.C. § 4 and 18 U.S.C. § 3332(a), he does not address those claims on appeal. See U.S. ex rel. Totten v. Bombardier Corp., 380 F.3d 488, 497 (D.C. Cir. 2004) (“Ordinarily, arguments that parties do not make on appeal

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-5302

September Term, 2019

are deemed to have been waived.”).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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