

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20-3082

September Term, 2020

1:16-cr-00018-TFH-1

Filed On: June 28, 2021

United States of America,

Appellee

v.

Michael Lawrence Rosebar,

Appellant

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

BEFORE: Tatel, Pillard, and Walker, 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 briefs filed by the parties. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing, as well as the emergency motion for release pending appeal and the opposition thereto, the motion to dismiss, and the motion to vacate the conviction and dismiss the indictment, it is

ORDERED AND ADJUDGED that the motion to dismiss be denied and that the district court’s order filed November 2, 2020, be affirmed. The district court did not err in denying appellant’s request for release. It is

FURTHER ORDERED that the emergency motion for release pending appeal be dismissed as moot. It is

FURTHER ORDERED that the motion to vacate the conviction and dismiss the indictment be denied. Appellant alleges in that motion that his conviction is unlawful. However, to bring such a challenge, a litigant “must file a motion under 28 U.S.C. § 2255 in ‘the court which imposed the sentence to vacate, set aside or correct the sentence.’” Day v. Trump, 860 F.3d 686, 691 (D.C. Cir. 2017) (quoting 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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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

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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