

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	NO. 98-631-2
v.	:	
	:	CIVIL ACTION
STEVEN J. IMMENDORF	:	NO. 02-4087

ORDER

AND NOW, this day of September, 2002, it is
hereby ORDERED that:

- (1) the motion of Steven J. Immendorf under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence is DENIED; and
- (2) no certificate of appealability is issued.

On May 3, 1999, co-defendants Fred Massanova and Steven Immendorf were convicted by a jury of conspiracy to distribute marijuana from at least June, 1994 to at least in or about July, 1996, in violation of 21 U.S.C. § 846. Immendorf was also found guilty of possession of marijuana with intent to distribute and maintaining a marijuana storage facility, in violation of 21 U.S.C. §§ 841(a)(1), 856(a)(2). On September 21, 1999, the court denied the motions of Massanova and Immendorf for a new trial. United States v. Massanova, No. CRIM. A. 98-631-02, 1999 WL 761136 (E.D. Pa. Sept. 21, 1999). On October 28, 1999, the court sentenced Immendorf to ninety-seven months imprisonment. The Court of Appeals affirmed his conviction and sentence on October 25, 2000. United States v. Massanova, 242 F.3d 372 (3d Cir.

2000). The Supreme Court denied certiorari on June 25, 2001.
Massanova v. United States, 533 U.S. 930 (2001).

On August 8, 2002, we denied the § 2255 motion of Fred Massanova. In his § 2255 motion, Steven Immendorf has raised exactly the same issues that were advanced by Massanova. In fact, much of Immendorf's motion is copied verbatim from the motion of his co-defendant. As explained in our August 8, 2002 Memorandum, we found the arguments of Fred Massanova to be completely without merit. We therefore will deny the motion of Steven Immendorf to vacate, set aside or correct sentence for the reasons set forth in our earlier Memorandum, a copy of which is attached.

BY THE COURT:

J.