

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

UNITED STATES OF AMERICA	:	
	:	
v.	:	CV 07-4854
	:	
SHERROD ROBINSON	:	CR 05-598

MEMORANDUM

Baylson, J.

December 28, 2007

On November 19, 2007, Defendant Sherrod Robinson filed a Petition for Habeas Corpus under 28 U.S.C. §2241, following a plea of guilty to serious drug charges. The Defendant was sentenced to a term of imprisonment of 158 months. The evidence, as to which Defendant agreed, showed that the Defendant had engaged in a lengthy, large scale drug distribution conspiracy in the City of Chester, Pennsylvania.

In his petition, Defendant asserts that he was denied effective assistance of counsel, that the District Court erred in the application of the sentencing guidelines, erred in sentencing petitioner for an additional 60 months consecutive for aiding and abetting, erred in accepting the plea agreement when the petitioner's conduct did not actually fall within the scope of conspiracy, the plea agreement is null and void and that the District Court erred for not applying a downward departure to the petitioner's supervised release.

The government has moved to dismiss the petition under United States v. Khattak, 273 F.3d 557 (3d Cir. 2001) in view of the Defendant's plea agreement, and the extensive colloquy at the time the Defendant pleaded guilty, the contents of which substantively negate and refute the Petitioner's allegations and specifically, on the grounds that the plea agreement contains a waiver

by the Defendant of any appeal or collateral attack on his plea agreement or sentence.

The Court agrees that Khattak is dispositive and that Defendant's petition must be dismissed.

