



stated on the record the reasons for the sentence, pursuant to 18 U.S.C. § 3355.

This Court had previously instructed the government to brief only the issue as to whether Defendant had a right to have this Court consider the merits of his § 2255 Petition in view of the waiver and colloquy at the guilty plea. The government has filed a Motion to Dismiss the Petition under the authority of United States v. Khattak, 273 F.3d 557 (3d Cir. 2001). Defendant asserts a number of constitutional violations, seeks recusal of the undersigned, appointment of counsel, and also that this Court require the government to respond to all of the detailed allegations in his Petition.

After reviewing the papers, including the hearing before Judge Katz, this Court finds that there has been no miscarriage of justice, and no reason why this Court should consider the merits of Defendant's Petition in view of the fact that he clearly waived any post-conviction appellate or collateral attack relief.

An appropriate Order follows.

