

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

UNITED STATES OF AMERICA v. BRIAN A. PERRI	CRIMINAL ACTION NO. 15-486 CIVIL ACTION NO. 18-1746
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MEMORANDUM

Baylson, J.

September 28, 2018

Pro Se Petitioner, Brian A. Perri, has filed a Motion for Post-Conviction Relief arising out of his guilty plea to an Indictment charging offenses involving child pornography. Petitioner plead guilty on March 21, 2016 to all three counts in the Indictment and was sentenced to a term of 120 months imprisonment, plus supervised release, restitution and a special assessment. The final judgment was filed on June 29, 2016. Perri did not file an appeal with the Third Circuit. However, on December 26, 2017, Perri filed a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 in the District of New Jersey where he was serving his sentence. This petition was denied and the District of New Jersey ruled that Petitioner's claims must be brought under 28 U.S.C. § 2255 and transferred the matter to this Court. However, Petitioner has not filed a specific §2255 Petition in this Court. Nonetheless, the Court will consider his original §2241 Petition as if it was filed under §2255.

The Government has, in its response (ECF 46), accurately described the procedural history of this case and there is no need for repetition.

For the reasons shown by the procedural history in the Government's discussion of the applicable legal principles, Perri did not file a Petition for Collateral Relief within the one year period of limitations, and therefore his claims are barred.

Even if the Court were to consider the claims as timely, there was no violation of the Interstate Agreement on Detainers Act (“IADA”), as Perri had alleged in the original petition filed in the District of New Jersey.

Furthermore, although Perri did not directly raise any claim of a denial of his right to a speedy trial, the record discloses that this allegation would prove to be without any kind of merit.

For these reasons, the Court will enter an Order **DENYING** the Petition.

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ORDER

AND NOW this 28th day of September, 2018, the Petition for Relief filed under 28 U.S.C § 2241 will be considered as if filed under 28 U.S.C. § 2255. It is **ORDERED** the Petition is **DISMISSED** for the reasons stated in the foregoing Memorandum.

All other motions pending are **DENIED** as **MOOT**.

There are no grounds for a certificate of appealability.

BY THE COURT:

/s/ Michael M. Baylson

MICHAEL M. BAYLSON, U.S.D.J.