

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

**EX PARTE TAGLIAMONTE**                               :           **CIVIL ACTION**  
  :           :  
  :           **NO. 06-cv-5508**

**MEMORANDUM AND ORDER**

Petitioner claims that he is incarcerated in a federal facility located within the territorial confines of the Eastern District of Pennsylvania; he claims that he is being held without bail within this district because of criminal charges pending against him in the United States District Court for the District of New Jersey. When this petition was filed in the Eastern District of Pennsylvania on December 18, 2006, petitioner indicated that he was “tentatively scheduled” to go on trial in the United States District Court for the District of New Jersey on November 28, 2006. It is impossible to tell if he is still being held without bail pending his trial, or if he has yet been tried, or if he has yet been convicted, or if he has yet been sentenced in the United States District Court for the District of New Jersey.

In his December 18, 2006 filing, petitioner raises only one claim that would allegedly justify his release from custody; this claim is that the law he is accused of violating, 18 U.S.C. §3231, was allegedly not enacted in conformity with Article I, Section 7 of the United States Constitution, which established procedures that need to be followed by Congress and the President when they seek to enact federal laws. This is clearly an argument that his rights under the Fifth Amendment to the United States Constitution have been violated, for which relief is provided to prisoners by The Antiterrorism and Effective Death Penalty Act of 1996 (commonly known as “AEDPA,” and codified as 28 U.S.C. §§2241-2266). AEDPA deals with the right of all persons in state custody, or in federal custody, to file a petition in a federal court seeking the issuance of a writ of habeas corpus. If such a writ of habeas corpus is issued by a federal court, the prisoner will be released from either state custody or federal custody (as the case may be) on the grounds that his rights



the District of New Jersey, and, it is further

**ORDERED** that the Clerk of the United States District Court for the Eastern District of Pennsylvania shall mark this matter as **CLOSED** in this court for all purposes, including statistics.

**S/ RONALD L. BUCKWALTER**  
**RONALD L. BUCKWALTER, U.S. District Judge**