



Van v. Fenton

607 F.2d 996 (1979) | Cited 0 times | Second Circuit | May 10, 1979

Present: Hon. J. Edward Lumbard, Hon. William H. Mulligan, Hon. Charles P. Sifton,*fn* Circuit Judges

This cause came on to be heard on the transcript of record from the United States District Court for the Eastern District of New York, and was argued by counsel.

ON CONSIDERATION WHEREOF, it is now hereby ordered, adjudged, and decreed that the orders of said District Court be and it hereby are affirmed. Appellant's petition pursuant to 28 U.S.C. § 2255 was properly denied since alleged violations of a prisoner's rights under the Interstate Agreement on Detainers are not cognizable in a proceeding under § 2255. *Edwards v. United States*, 564 F.2d 652 (2d Cir. 1977). The petition under 28 U.S.C. § 2241 was also properly denied since § 2255 is the exclusive remedy for a federal prisoner attacking his conviction. *Baker v. Sheriff of Santa Fe County*, 477 F.2d 118 (10th Cir. 1973). Appellant's claim that he was denied the effective assistance of counsel cannot be considered here since it was not raised in the petition for writ of federal habeas corpus to the district court. *Jennings v. Casscles*, 568 F.2d 229, 233 (2d Cir. 1977).

* United States District Judge, Eastern District of New York, sitting by designation.

