

Wassouf v. United States

07-CV-334-SM 01/28/08

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

George Wassouf,

v.

Civil No. 07-cv-334-SM

Opinion No. 2008 DNH 023

United States of America

**O R D E R**

Petitioner seeks relief from his conviction and sentence under the provisions of 28 U.S.C. § 2255. His asserted grounds are, in general, that mental health difficulties rendered his guilty plea to bank fraud improvident; that a term of five years of supervised release violated his binding plea agreement; and that he should have been warned that immigration consequences might flow from his guilty plea.

The issues petitioner seeks to raise are without merit, but his petition must be dismissed for a different, more preliminary reason. Petitioner filed a direct appeal of his conviction and sentence (after earlier § 2255 relief was granted to him). That appeal was resolved by mandate issued by the United States Court of Appeals for the First Circuit on October 5, 2005. The time in which to file a petition for certiorari expired on January 5, 2005.

Petitioner had one year from "the date on which judgment of conviction [became] final in which to file his petition for relief under § 2255. 28 U.S.C. § 2255 Para. 6. That date was January 5, 2006, but this petition was not filed until October 4, 2007, far beyond the deadline. Petitioner does not suggest any bases upon which his petition might be timely under other provisions of § 2255, and the court does not recognize any.

The petition is necessarily dismissed as untimely.

**SO ORDERED.**

  
Steven J. McAuliffe  
Chief Judge

January 28, 2008

cc: George Wassouf, pro se  
Aixa Maldonado-Quinones, Esq.