

Marra v. United States CV-97-465-M 01/12/98
UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Marianne Marra

v.

Civil No. 97-465-M

United States of America

O R D E R

Petitioner's motion under 28 U.S.C. § 2255 seeking relief from the sentences imposed in United States v. Marianne Marra docket numbers CR-94-66-01-M and CR-94-67-01-M, is necessarily denied, as the motion and the files and records of the case conclusively show that the petitioner is entitled to no relief.

First, the sentences imposed were authorized by law, are not open to collateral attack, and petitioner has pled no denial or infringement of any constitutional right sufficient to render the judgment vulnerable to collateral attack, nor has she articulated sufficient legal grounds upon which the sentences may be amended. The sentences were lawful, fair and appropriate. Sentence was imposed on September 28, 1995. As of April 24, 1996, petitioner had one year to file a motion for sentence relief under 28 U.S.C. § 2255; her motion was filed on September 17, 1997, beyond the applicable limitations period.

Petitioner essentially argues for sentence relief based on family hardship and her commendable efforts to rehabilitate herself while confined. The court notes and applauds petitioner's efforts, and encourages her to continue to work to

improve her life, and also fully recognizes the hardships imposed by her confinement on her family. However, those factors do not qualify as grounds for sentence relief under 28 U.S.C. § 2255, and would not have warranted a different guideline sentence.

Motion denied.

SO ORDERED.

Steven J. McAuliffe
United States District Judge

January 12, 1998

cc: Marianne Marra
Paul M. Gagnon, Esq.