

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 06-1498

UNITED STATES OF AMERICA

v.

ARTHUR D'AMARIO, III,
Appellant

On Appeal From the United States District Court
For the District of New Jersey
(D.C. Civ. No. 01-cr-00346)
District Judge: Honorable Joseph E. Irenas

Submitted For Possible Summary Action
Under Third Circuit L.A.R. 27.4 and I.O.P. 10.6
April 13, 2006

Before: SCIRICA, Chief Judge, RENDELL and AMBRO, Circuit Judges

(Filed April 28, 2006)

OPINION

PER CURIAM

Arthur D'Amario appeals from the District Court's order denying his motion to stay or revoke his supervised release. Because D'Amario's appeal presents no substantial question, we will summarily affirm.

Because we write primarily for the parties, the facts of this case need not be recounted in detail. The background of this case can be found at United States v. D’Amario, 403 F. Supp. 2d 361 (D.N.J. 2005). In 2005, the United States District Court for the District of Rhode Island revoked D’Amario’s supervised release after he violated the conditions of that release.¹ See United States v. D’Amario, 412 F.3d 253 (1st Cir. 2005). On January 17, 2006, D’Amario moved in the District of New Jersey to prevent his release from prison.² Because he appears to have challenged the commencement of his supervised release in the wrong jurisdiction, the District Court properly denied his motion.

Upon his initial release from prison D’Amario began serving two concurrent terms of supervised release, one from a conviction in the District of New Jersey, the other from the District of Rhode Island. On May 2, 2003, the District of New Jersey transferred jurisdiction over D’Amario’s supervised release pursuant to 18 U.S.C. § 3605 to the District of Rhode Island. United States v. D’Amario, No. 01-0346 (D.N.J. May 2, 2003). Thus, the District of New Jersey no longer has jurisdiction to provide the relief that he seeks and properly denied his motion.

¹According to D’Amario, his term of incarceration for the supervised release revocation ended on February 10, 2006.

² After he filed a notice of appeal regarding the District Court’s denial of his motion, D’Amario filed an emergency motion in this Court, which we denied. D’Amario v. United States, No. 06-1498 (Feb. 8, 2006).

In short, upon consideration of the record, we conclude that his appeal presents us with no substantial question. See Third Circuit L.A.R. 27.4 and I.O.P. 10.6. Accordingly, we will affirm the District Court's order.