

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 12-3763

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UNITED STATES OF AMERICA

v.

ARTHUR D'AMARIO,  
Appellant

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Appeal from the United States District Court  
for the District of New Jersey  
(D.C. Criminal No. 1-06-cr-00112-001)  
District Judge: Honorable Paul S. Diamond

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Submitted for Possible Summary Action  
Pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6  
January 31, 2013

Before: RENDELL, JORDAN and GARTH, Circuit Judges

(Opinion filed: February 13, 2013)

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OPINION OF THE COURT

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PER CURIAM

Arthur D'Amario appeals the District Court's order denying his motion to transfer his supervision to the District of Rhode Island. For the reasons below, we will affirm the District Court's order.

D'Amario is serving three years of supervised release after completing a sentence of 84 months in prison for threatening a federal judge. See United States v. D'Amario, 330 F. App'x 409 (3d Cir. 2009). In September 2012, he filed a counseled motion pursuant to 18 U.S.C. § 3605 seeking to have his supervision transferred to the District of Rhode Island. The District Court denied the motion, and D'Amario filed a pro se notice of appeal.

We have jurisdiction pursuant to 28 U.S.C. § 1291. Section 3605 provides that a District Court may transfer jurisdiction over a defendant on supervised release to any other district with the concurrence of the receiving district. D'Amario has not shown that the District Court for the District of Rhode Island has concurred in the transfer. Because the District of Rhode Island has not concurred, the District Court did not err in denying D'Amario's motion.

Summary action is appropriate if there is no substantial question presented in the appeal. See Third Circuit LAR 27.4. For the above reasons, we will summarily affirm the District Court's order. See Third Circuit I.O.P. 10.6. D'Amario's motion for summary action is denied.