

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

JAIME PERALES FLORES,	:	
	:	
Petitioner,	:	
	:	
v.	:	Civil No. 3:04cv437 (MRK)
	:	
UNITED STATES,	:	
	:	
Respondent.	:	

RULING AND ORDER

Pending before the Court is Petitioner Jaime Perales Flores' Petition for Writ of Habeas Corpus [**doc. #1**]. On September 16, 2004, the Court issued an Order to Show Cause, directing Mr. Flores to show cause why his petition should not be dismissed for lack of jurisdiction [doc. #4]. To date, Mr. Flores has failed to comply with the Court's order. Notwithstanding this failure, the Court has reviewed Mr. Flores' Petition on the merits. After considering the Petition and the Government's Motion to Dismiss [doc. # 9], the Court concludes that Mr. Flores' Habeas Corpus Petition must be DISMISSED because the Court lacks subject matter jurisdiction over Mr. Flores' claims.¹ Accordingly, the Court GRANTS the Government's Motion to Dismiss the Petition.

Mr. Flores asks the Court to dismiss or erase the prior the record of his deportation so that he can apply for a Green Card. *See* Pet. at 3. Because the Court is obligated to construe Mr.

¹ Because the Court concludes that it lacks subject matter jurisdiction over the Petition, the Court need not reach, and therefore expresses no view on, the various other arguments asserted by the Government, including its argument regarding lack of personal jurisdiction and that the Attorney General is not a proper respondent. *See* Government's Motion to Dismiss [doc. # 9] at 4, 6.

Flores' complaint liberally, the Court construes this request to challenge the validity of Mr. Flores' outstanding order of deportation. Mr. Flores, has been deported and arrested for illegal re-entry on many occasions. *See* Criminal History Record, Ex. A [doc. #9]. After his most recent deportation and subsequent re-entry, Mr. Flores was convicted in the Central District of California after pleading guilty to re-entering the United States illegally in violation of 8 U.S.C. § 1326(a). He is currently serving his 84-month sentence at Cibola County Correctional Institution in Milan, New Mexico. *See* Bureau of Prisons Inmate Information, Ex. B [doc. #9].

Because Mr. Flores entered an unconditional plea of guilty to the charge of illegal re-entry, see Pet. at 2, he has waived his rights "to all non-jurisdictional defects in the prior proceedings," including his order of deportation. *Lebowitz v. United States*, 877 F.2d 207, 209 (2d Cir. 1989). *See also Patterson v. INS*, No. 303CV1263 (SRU), 2004 WL 1396627, at *2, (D. Conn. June 15, 2004) ("if [an alien] plead[] guilty [to illegal re-entry] then his [habeas] petition is barred *a fortiori*") (citing *United States v. Tejada-Compusano*, 8 Fed. Appx. 71 (2d Cir. 2001) (unpublished summary order) and *Lebowitz*, 877 F.2d at 210). Mr. Flores does not make any jurisdictional arguments. In fact, the only reason Mr. Flores gives for why the Court should alter his deportation history and/or deportation order, is that nearly twenty years has passed since one of the many occasions on which he was deported, and that he seeks to apply for a Green Card. *See* Pet. at 3. Furthermore, as Respondent argues, Mr. Flores, had ample opportunity to challenge his deportation order and his history of deportations during the underlying criminal proceedings.

Accordingly, the Court GRANTS the Government's Motion to Dismiss [**doc. # 9**] and DISMISSES Mr. Flores' Petition for Writ of Habeas Corpus [**doc. #1**].

IT IS SO ORDERED.

/s/ Mark R. Kravitz
United States District Judge

Dated at New Haven, Connecticut on: December 17, 2004.