

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

Administrative Proceedings Rulings
Release No. 5426 / December 28, 2017

Administrative Proceeding
File No. 3-17699

In the Matter of

**Shervin Neman and
Neman Financial, Inc.**

**Order on Request for
Release from Federal Custody**

Respondent Shervin Neman is currently incarcerated in federal prison. *See United States v. Neman*, 673 F. App'x 649, 652 (9th Cir. 2016) (affirming 135-month sentence), *cert. denied*, 137 S. Ct. 2281 (2017); Fed. Bureau of Prisons, *Find an inmate.*, <https://www.bop.gov/inmateloc/> (search "Find By Name" for "Shervin Neman").

On December 27, 2017, the Division of Enforcement forwarded to my office a document from Neman dated December 20, 2017, in which he asks me to immediately release him from prison. Because Neman requests release from federal custody, I construe his request as a petition for a writ of habeas corpus, which is the traditional method of securing such relief. *See* 28 U.S.C. § 2241 (codifying the writ with respect to federal prisoners); *United States v. Hayman*, 342 U.S. 205, 211 (1952) ("the objective of the Great Writ long has been the liberation of those unlawfully imprisoned"). I have caused a copy of the document to be filed with the Office of the Secretary.

"Writs of habeas corpus" ordering release from federal custody "may be granted by the Supreme Court, any justice thereof, the district courts and any circuit judge within their respective jurisdictions." 28 U.S.C. § 2241(a); *accord Ledford v. United States*, 297 F.3d 1378, 1381 (Fed. Cir. 2002) (affirming dismissal of habeas petition because "the habeas statute does not list the Court of Federal Claims among those courts empowered to grant a writ of habeas corpus"). No statute or rule gives me the authority to grant Neman's petition. *See* 5 U.S.C. §§ 556, 557 (defining the scope of administrative hearings); 17 C.F.R. § 201.111 (enumerating powers of the Securities and Exchange Commission's hearing officers).

Neman's petition is DENIED FOR WANT OF AUTHORITY, without prejudice to refile in the appropriate forum.

Jason S. Patil
Administrative Law Judge