

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

GLENN E. HURN,

Petitioner,

v.

CASE NO. 04-3008-RDR

COLLEEN L. MCGUIRE,

Respondent.

**MEMORANDUM AND ORDER**

This is a petition for writ of habeas corpus, 28 U.S.C. 2241, challenging petitioner's military court-martial. The action was initiated in forma pauperis. All relief was denied and the matter was dismissed by order dated May 6, 2005. Petitioner has filed a Notice of Appeal (Doc. 20).

Because this is a 2241 action by a federal prisoner, no certificate of appealability is required. Bradshaw v. Story, 86 F.3d 164, 165-66 (10<sup>th</sup> Cir. 1996).

IT IS THEREFORE BY THE COURT ORDERED that petitioner is granted leave to proceed in forma pauperis on appeal.

DATED: This 9th day of June, 2005, at Topeka, Kansas.

s/RICHARD D. ROGERS  
United States District Judge