

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

CHRISTOPHER PIERCE,

Petitioner,

v.

CASE NO. 06-3141-SAC

RAY ROBERTS,

et al.,

Respondents.

O R D E R

This is a petition for writ of habeas corpus submitted on forms for filing under 28 U.S.C. 2254 by an inmate of the El Dorado Correctional Facility, El Dorado, Kansas (ECF).

Petitioner raises claims that he has repeatedly presented to this court in prior actions seeking release from confinement on his 1993 Kansas convictions for aggravated robbery and kidnaping.

Plaintiff's claim of "over-detention" has been interpreted as a challenge to the execution of his sentence and treated as brought under 28 U.S.C. 2241. Petitioner has repeatedly been ordered by the court to show exhaustion of state remedies on this claim, and has utterly failed to comply with those orders. The court concludes plaintiff is either unwilling or unable to show exhaustion on this claim. As a result, it is dismissed with prejudice.

If this action is intended as a petition under 28 U.S.C. 2254 challenging petitioner's 1993 convictions, it is successive. Mr. Pierce has been repeatedly informed he may not proceed in this court on a successive 2254 petition without prior approval from the Tenth Circuit Court of Appeals. Moreover, petitioner has been barred by the Tenth Circuit from further challenges to his

1993 Kansas convictions without submitting a payment of \$250 to the clerk of the court. No such payment was submitted with this action.

**IT IS THEREFORE ORDERED** that petitioner's motion for leave to proceed in forma pauperis (Doc. 5) is denied as moot.

**IT IS FURTHER ORDERED** that this action is dismissed with prejudice and all relief denied, for the reasons stated herein.

**IT IS SO ORDERED.**

Dated this 7th day of June, 2006, at Topeka, Kansas.

s/Sam A. Crow  
U. S. Senior District Judge