

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CHRISTOPHER PIERCE,
Petitioner,

v.

CASE NO. 06-3221-SAC

RAY ROBERTS,
et al., Respondents.

MEMORANDUM AND ORDER

This matter was submitted on forms for filing a petition for writ of habeas corpus pursuant to 28 U.S.C. 2241. Petitioner is serving a sentence of 30 years to life for convictions in 1993 of aggravated kidnaping and robbery. He inserts the same conclusory claim in his form Petition as he has in several prior actions of "over-detention." However, the only factual allegations made in support of this action are that respondents were required to reimburse him in the amount of \$105, but have refused¹.

To state a claim for relief under Section 2241, petitioner must allege he is "in custody in violation of the Constitution or laws or

¹ Court records indicate an order was entered in Pierce v. Simmons, Case No. 06-3006 (D.Kan. Apr. 13, 2006) on April 13, 2006, that "the clerk of the court shall refund to petition Christopher Pierce the amount of \$105.00 collected in [Pierce v. Nelson, Case No. 98-3037 (D.Kan. May 26, 1998)]." The court has checked with its Finance Office and was informed that petitioner is correct. He is due a refund, which has not yet been disbursed to him. The Finance Office further advised the court that the money should be transmitted to Mr. Pierce within a couple weeks. This money is due to Mr. Pierce from this court not from respondents. If petitioner does not receive his refund from this court within the next couple weeks, he should send a letter to the clerk of the court inquiring as to why he has not received the refund of \$105.00 ordered by the court in Case No. 06-3006.

treaties of the United States." Petitioner makes no such allegations regarding his custody. The court thus finds that no claim for federal habeas corpus relief is stated, and concludes this action must be dismissed.

IT IS THEREFORE ORDERED that petitioner's motion for leave to proceed in forma pauperis (Doc. 2) is granted for purposes of this action only, and that this action is dismissed and all relief denied.

IT IS SO ORDERED.

Dated this 13th day of September, 2006, at Topeka, Kansas.

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