

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CHRISTOPHER PIERCE,
Petitioner,

v.

CASE NO. 06-3301-SAC

RAY ROBERTS, et al.,
Respondents.

O R D E R

This action was filed by an inmate of the El Dorado Correctional Facility, El Dorado, Kansas (EDCF), on forms for filing a Petition for Writ of Habeas Corpus Attacking a State Detainer pursuant to 28 U.S.C. 2254. Petitioner actually challenges his placement at EDCF, and alleges a judge in this district, who is now deceased, previously ordered that Mr. Pierce "never be returned to EDCF." The court construes this action as a petition for writ of habeas corpus under 28 U.S.C. 2241 rather than under Section 2254.

Petitioner has also filed an Inmate Account Statement, which this court has treated as a Motion for Leave to Proceed in forma pauperis (Doc. 2). Having considered this document, the court finds Mr. Pierce is without adequate funds, and leave should be granted.

Having considered the allegations in the Petition and the one-page, attached Exhibit A, which is a lengthy footnote apparently from an opinion in another case filed by Mr. Pierce listing his prior cases, the court finds that no claim is stated. No evidence is presented, and this court finds none having reviewed the opinions marked in the footnote, that the Honorable Judge Saffels issued any order precluding Mr. Pierce's return to EDCF.

IT IS THEREFORE ORDERED that this action is treated as a

petition for writ of habeas corpus under 28 U.S.C. 2241, petitioner's Motion for Leave to Proceed in forma pauperis (Doc. 2) is granted, and this action is dismissed and all relief denied for failure to state a claim for federal habeas corpus relief.

IT IS SO ORDERED.

Dated this 16th day of November, 2006, at Topeka, Kansas.

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