

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

JAN F. BECKER,

Petitioner,

v.

CASE NO. 07-3243-SAC

BOB HUDSON, et al.,

Respondents.

O R D E R

This matter is before the court on a petition for writ of habeas corpus under 28 U.S.C. § 2254, filed pro se by a prisoner incarcerated in the Mansfield Correctional Institution in Mansfield, Ohio, seeking relief from his Ohio conviction. As it is clear from the face of the habeas application that petitioner must seek a federal writ of habeas corpus in a federal court in Ohio where he is incarcerated, the court finds the petition should be dismissed without prejudice because the court has no jurisdiction to consider petitioner's claims.

This should not be any surprise to petitioner, as court records reveal numerous similar petitions he has filed in the United States District Courts, including one in the District of New Mexico which that court dismissed for lack of jurisdiction after taking a "peek at the merits" of petitioner's claims and finding transfer of that case to a federal court in the State of Ohio would not be in the

interest of justice.<sup>1</sup> See Becker v. Hudson, Case No. 07-115-WJ-KBM (D.N.Mex. March 13, 2007). See also Becker v. Hudson, 2007 WL 4564177 (D.Mont. Dec 20, 2007)(dismissing petition for lack of jurisdiction because applicant was convicted and confined outside the District of Montana, and denying a certificate of appealability for any appeal).

Assessing petitioner's history of litigation in the federal courts on identical or similar claims, one court stated that petitioner was "engaging in a national habeas filing spree" and cited cases discussing petitioner's filing of habeas petitions in federal courts throughout the United States. See Becker v. Warden Hudson, et al., Case No. 07-352-S-LDA (D.R.I. October 15, 2007)(adopting Magistrate Judge's Report and Recommendation for dismissal of the petition for lack of jurisdiction).

This court agrees that it would not be in the interest of justice to transfer this matter to a federal court in Ohio, and concludes the petition should be dismissed. See also Becker v. Hudson, 2007 WL 4333818, \*1 (D.Conn. 2007)("transfer to the United States District Court for the Northern District of Ohio would be futile...[where] federal court records disclose that petitioner has filed eighteen identical petitions in seventeen district courts, including the Northern District of Ohio").

IT IS THEREFORE ORDERED that the petition for writ of habeas

---

<sup>1</sup>See Trujillo v. Williams, 465 F.3d 1210, 1223 (10th Cir. 2006)("[A] court is authorized to consider the consequences of at transfer by taking 'a peek at the merits' to avoid raising false hopes and wasting judicial resources that would result from transferring a case which is clearly doomed.").

corpus is dismissed without prejudice for lack of jurisdiction, and that petitioner's motion for leave to proceed in forma pauperis is denied as moot.

**IT IS SO ORDERED.**

DATED: This 16th day of January 2008 at Topeka, Kansas.

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