

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

LEROY STANLEY COZART,

Plaintiff,

v.

CASE NO. 09-3216-SAC

STATE OF KANSAS,

Defendant.

O R D E R

By an order dated October 21, 2009, the court directed plaintiff to show cause why the complaint he submitted under 42 U.S.C. § 1983 should not be liberally construed by the court as one seeking habeas corpus relief under 28 U.S.C. § 2241, and granted plaintiff provisional leave to proceed in forma pauperis if proceeding in habeas corpus. The court also directed plaintiff to show cause why this habeas corpus action should not be dismissed without prejudice.

In response, plaintiff submitted a modified complaint titled as one seeking habeas corpus relief under 28 U.S.C. § 2241.

Plaintiff is presently confined in the Johnson County Adult Detention Center awaiting trial on criminal charges. In his response to the October 21, 2009, show cause order, plaintiff repeats contentions in his original complaint that his confinement is unlawful because he is a "Sovereign Diplomat," because he is innocent of the charged offenses, and because his preliminary hearing has been continued multiple times due to plaintiff's refusal

to talk to a psychologist for the purpose of determining plaintiff's competency to stand trial.<sup>1</sup> Plaintiff also repeats his claim of defamation and his claim that he is being discriminated against due to his race, diplomatic status, and religion. Notwithstanding the court's advisement that damages were not available in habeas corpus, plaintiff repeats his request to be compensated for a real estate deal he claims was dashed by his arrest.

Having reviewed the record, the court continues to find that plaintiff makes no showing that federal intervention in plaintiff's ongoing state criminal proceeding is warranted. See Younger v. Harris, 401 U.S. 37 (1971)(narrowly proscribing federal injunctions and declaratory relief that interfere with on-going state criminal proceedings). Accordingly, for the reasons stated herein and in the show cause order dated October 21, 2009, the court concludes this habeas corpus action should be summarily dismissed.

IT IS THEREFORE ORDERED that plaintiff's request for habeas corpus relief under 28 U.S.C. § 2241 is dismissed without prejudice.

**IT IS SO ORDERED.**

DATED: This 4th day of November 2009 at Topeka, Kansas.

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

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<sup>1</sup>Plaintiff states his "fifth" preliminary hearing is scheduled for November 13, 2009.