

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ERIC GRIFFIN,

Petitioner,

v.

CASE NO. 11-3064-RDR

REGIONAL DIRECTOR,
BOARD OF PRISONS, et al.,

Respondents.

O R D E R

This pro se petition for writ of habeas corpus was filed pursuant to 28 U.S.C. § 2241 by an inmate of the Oklahoma City Federal Transfer Center, Oklahoma City, Oklahoma. Petitioner has also filed a motion for appointment of counsel. Having screened the materials filed, the court finds as follows.

The statutory filing fee that must be satisfied for a federal habeas corpus action is \$5.00. Petitioner has neither paid the filing fee nor submitted a properly supported motion to proceed in forma pauperis. This action may not proceed until Mr. Griffin satisfies the filing fee prerequisite in one of these two ways. He will be given time to satisfy the filing fee. If he fails to do so within the time allotted this action may be dismissed without further notice.

In his petition, Mr. Griffin alleges that he is currently detained at Springfield Federal Prison, which is different than the address he has provided the court. As ground 1, he claims that he is being illegally detained. In support, he refers to Case No. 10-CV-3491-ODS, apparently filed by him in Springfield, Missouri, and claims that respondents delayed and hindered his right to a "fair 2241" in Springfield. He further claims that respondents failed to

make a timely showing of cause for his detention and failed to get an extension of time in that case. He also alleges that he was previously confined in Nevada and is being returned to Nevada to "cover up" his illegal detention. As Ground 2 petitioner claims obstruction of justice. In support, he alleges that respondents hindered and stole legal mail to the United Nations, a legislative committee, and the United States Supreme Court. He again cites case numbers including one in the Ninth Circuit Court of Appeals. As Ground 3, petitioner claims abuse of power by court, denial of fair trial and due process. In support, he alleges that respondent has "used judges" in petitioner's lawsuit in Nevada, and made sure that Judge Hunt does not grant petitioner's motion to remove in his criminal case. As Ground 4, petitioner alleges that respondents blocked his e-mails to a reporter.

Mr. Griffin seeks release, money damages, and a full investigation.

This petition is deficient in several respects. First and foremost, petitioner does not appear to now be or to ever have been confined within this federal judicial district. He alleges no facts whatsoever indicating that this court is the proper venue for his claims of illegal detention.

Second, the only proper respondent in a habeas corpus petition is the petitioner's current custodian. Petitioner names several individuals, none of whom appears to be his current custodian.

Third, money damages are not properly sought as relief in a habeas petition.

Finally, to the extent Mr. Griffin is attempting to litigate civil rights claims against the persons named as respondents, he

fails to allege any facts indicating that this court has jurisdiction over those persons or his claims against them, if any.

Petitioner shall be given time to satisfy the filing fee, name a proper respondent, and show cause why this action should not be dismissed for failure to show that this court has jurisdiction or is the proper venue for any of the claims in his petition. If he fails to adequately respond in the time allotted, this action may be dismissed without further notice.

The court finds that appointment of counsel is not warranted in this case, given the court's findings.

IT IS THEREFORE ORDERED that petitioner is granted twenty (20) days in which to satisfy the filing fee, name a proper respondent, and show cause why this action should not be dismissed due to improper venue and lack of jurisdiction.

IT IS FURTHER ORDERED that petitioner's Motion to Appoint Counsel (Doc. 2) is denied without prejudice.

IT IS SO ORDERED.

DATED: This 8th day of April, 2011, at Topeka, Kansas.

s/RICHARD D. ROGERS
United States District Judge