

ARKANSAS SUPREME COURT

No. 06-1420

GEORGE ARTHUR BUNN
Appellant

v.

LARRY NORRIS, DIRECTOR,
ARKANSAS DEPARTMENT OF
CORRECTION
Appellee

Opinion Delivered May 24, 2007

PRO SE APPEAL FROM THE CIRCUIT
COURT OF HOT SPRING COUNTY,
CV 2006-166, HON. PHILLIP H.
SHIRRON, JUDGE

APPEAL DISMISSED.

PER CURIAM

On June 30, 2005, appellant George Arthur Bunn, an inmate incarcerated in the Arkansas Department of Correction, filed a petition for writ of habeas corpus in Hot Spring County Circuit Court. The circuit court dismissed the petition, and appellant brings an appeal of that order in this court. We dismiss the appeal because the circuit court can no longer grant the relief requested by appellant.

At some point after his petition was filed, appellant was transferred and is no longer incarcerated in Hot Spring County. The address provided on his brief is in Lincoln County, and we take notice that the records of the Department of Correction now show that appellant is incarcerated in Lincoln County.

Any petition for writ of habeas corpus to effect the release of a prisoner is properly addressed to the circuit court in the county in which the prisoner is held in custody, unless the petition is filed pursuant to Act 1780 of 2001. *Lukach v. State*, ___ Ark. ___, ___ S.W.3d ___ (Apr. 26, 2007) (per

curiam). Appellant did not invoke Act 1780, and at the time the petition was filed, appellant did appear to be incarcerated in Hot Spring County.

While Hot Spring County Circuit Court may have had personal jurisdiction to issue and make returnable before itself a writ of habeas corpus when the petition was filed, it does not have jurisdiction to release a petitioner who is now held in another county. *See Id.* A circuit court does not have jurisdiction to release on a writ of habeas corpus a prisoner not in custody in that court's jurisdiction. *Pardue v. State*, 338 Ark. 606, 999 S.W.2d 198 (1999) (per curiam) (citing *Mackey v. Lockhart*, 307 Ark. 321, 819 S.W.2d 702 (1991)). As the circuit court cannot provide the requested relief, we must dismiss the appeal and do not reach the merits of the issues raised by appellant.

Appeal dismissed.