

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
PIKEVILLE DIVISION

CIVIL ACTION NO. 06-CV-222-GFVT

EDDIE MILTON GAREY, JR.

PETITIONER

VS:

MEMORANDUM OPINION AND ORDER

SUZANNE R. HASTINGS, ET AL.

RESPONDENTS

Eddie Milton Garey, Jr., a/k/a Eddie Garey and Milton Garey (“Garey”), is a prisoner incarcerated at the United States Penitentiary-Big Sandy in Inez, Kentucky. He filed this *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. §2241 in the United States District Court for the District of Columbia. By Order dated October 10, 2006, that Court transferred the case to this Court where this habeas petitioner’s legal custodian was located, pursuant to *Stokes v. United States Parole Commission*, 374 F.3d 1235, 1239 (D.C. Cir. 2004). After the transfer, this Court granted his application to proceed *in forma pauperis*.

The factual and legal allegations raised by Petitioner in the instant petition are identical to those already reviewed and rejected by this Court in a Memorandum Opinion and Order dated October 16, 2006, in *Eddie Milton Garey v. Hastings et al.*, Civil Action 06-CV-201, Eastern District of Kentucky [Record Nos. 1, 9-10]. For the same reasons set forth therein, Garey’s petition must be denied. *Martin v. Perez*, 319 F.3d 799, 804 (6th Cir. 2003).

Accordingly, it is **ORDERED** as follows:

- (1) Petitioner Garey’s petition for a writ of habeas corpus is **DENIED**.

(2) The Court certifies that any appeal would not be taken in good faith. 28 U.S.C. §1915(a)(3); *McGore v. Wigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997); *Kincade v. Sparkman*, 117 F.3d 949 (6th Cir. 1997).

(3) Judgment shall be entered contemporaneously with this Memorandum Opinion and Order in favor of the respondent.

This the 23rd day of October, 2006.



Signed By:

Gregory F. Van Tatenhove 

United States District Judge