

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

JOHN ROBERT DEMOS,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO.
)	2:13-cv-0036-KOB-JEO
)	
UNITED STATES SECRETARY OF)	
DEFENSE,)	
)	
Respondent.)	

MEMORANDUM OPINION

The petitioner, John Robert Demos, *pro se*, filed this habeas corpus action pursuant to 28 U.S.C. § 2241. The petitioner currently is confined at the Clallam Bay Corrections Center, a state prison in Clallam Bay, Washington. (Doc. 1). For the reasons stated below, the action is due to be dismissed without prejudice for lack of jurisdiction.

Demos is a long standing and well-known recreational filer of frivolous legal actions. *See, e.g., Demos v. Storrie*, 507 U.S. 290 (1993); *In re Demos*, 500 U.S. 15 (1991); *Demos v. United States District Court for the Eastern Dist. of Wash.*, 925 F.2d 1160 (9th Cir. 1991). The instant action is another such example of abuse. Here, Demos alleges that he is in custody pursuant to one or more judgments or orders of “a top secret U.S. military court at Bremerton, Washington.” (Doc. 1 ¶ 2). Demos further alleges that

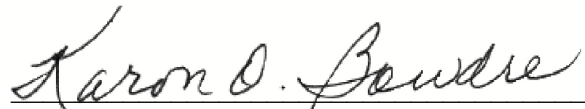
[t]he U.S. Secretary of Defense, the President of the United States, the Chairman of the Joint Chiefs of Staff ordered [his] detention until [he] agree[s] to do the following:

Reveal the Blueprints and Dynamics of Extra-Terrestrial U.F.O. Spacecraft
Reveal the Plot behind Extra-Terrestrial Abductions of Humans, Cattle, and Gold
[and] Reveal whether U.F.O.'s are Russian Spacecraft or German Spacecraft.

(*Id.* ¶ 9). Demos asserts that he “cannot be punished for his refusal to reveal [such] secrets” because he “could be subjected to the crime of treason” (*Id.* ¶ 10).

Demos’s allegations are absurd on their face. However, even if the claims in his habeas petition were colorable, this court would lack jurisdiction to hear them. A habeas petition brought pursuant to 28 U.S.C. § 1441 that challenges present physical custody must be filed in the district of confinement. *Rumsfeld v. Padilla*, 542 U.S. 426, 442-43 (2004). Because Demos states that he is being held at a state correctional facility in Washington, the Northern District of Alabama is not the district of confinement. Accordingly, this court lacks jurisdiction over his custodian, and the case is due to be **DISMISSED WITHOUT PREJUDICE**. The court will enter a separate final order.

DONE and **ORDERED** this 23rd day of January, 2013.


KARON OWEN BOWDRE
UNITED STATES DISTRICT JUDGE