

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

WILLIE WELLS, III

PLAINTIFF

V.

CASE NO.: 3:12CV00221 SWW/BD

MIKE ALLEN

DEFENDANT

ORDER

Petitioner Willie Wells, III, a pretrial detainee at the Crittenden County Detention Facility, filed this pro se petition for writ of habeas corpus under 28 U.S.C. § 2254 (docket entry #1), along with a motion to proceed *in forma pauperis* (#2). In the petition, Mr. Wells claims that he is being held on excessive bond in violation of his equal protection and due process rights.

Upon the filing of a habeas petition, a federal court is required to examine the petition together with any exhibits and dismiss the petition if the petitioner is not entitled to relief. Rule 4 of the Rules Governing Section 2254 Cases.

Under 28 U.S.C. § 2254, this Court may entertain a habeas corpus petition from a person “in custody *pursuant to the judgment* of a State court” and only after the person has exhausted the remedies available to him in the courts of the State. 28 U.S.C. §§ 2254(a) and 2254(b)(1).

According to the facts alleged in the petition, Mr. Wells is a pretrial detainee and is not in custody pursuant to a judgment of a State court. Consequently, this Court does not have jurisdiction over Mr. Wells’s petition.

Mr. Wells's petition is dismissed, without prejudice, under Rule 4 of the Rules Governing Section 2254 Cases, and the motion for leave to proceed *in forma pauperis* is denied as moot.

DATED this 24TH day of September, 2012.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE