

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION

THERESA C. W. PRYOR

PETITIONER

vs.

Civil Case No. 5:08CV00315 HLJ

LARRY NORRIS, Director,
Arkansas Department of Correction

RESPONDENT

ORDER

It appears from the petition that Petitioner is attempting to challenge the detainer lodged against her by the State of Missouri on the ground that the charges that form the basis of the detainer were dismissed in 2004 for lack of evidence. Respondent contends Petitioner should name the Attorney General of Missouri as co-Respondent and asserts he will not take any position with respect to the constitutional validity of the actions of the State of Missouri and/or Barry County, Missouri. Instead, Respondent states he intends to rely on and adopt the position of the Attorney General of the State of Missouri in response to this petition. Respondent relies on Rule 2 of the Rules Governing Section 2254 Cases in the United States District Courts. But that Rule refers to persons subject to future custody pursuant to a state court judgment.

In the present case, Petitioner has not been tried on the pending charges, and it is not clear to this court that the Attorney General of Missouri needs to be named and served as a co-

Respondent in this case. In addition, Petitioner has not indicated whether she has asked to be tried on the charges or whether she has sought dismissal of the charges in Missouri based on the same claims she raises here.

Respondent is directed to file a brief, with citation of authority, within thirty days, addressing the posture of this case and what steps an Arkansas inmate must follow to challenge a detainer based on untried charges in a demanding state, and whether Petitioner has properly exhausted her state remedies in Missouri.

SO ORDERED this 14th day of January, 2009.

Henry L. Jones, Jr.

United States Magistrate Judge