

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

LEMUEL R. HALL

PETITIONER

VS.

CASE NO. 09-CV-4095

UNITED STATES OF AMERICA, *et al.*,

RESPONDENT

ORDER

Before the Court is the Report and Recommendation filed October 8, 2009, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. No. 5). Petitioner had filed objections to the Magistrate Judge's findings and recommendations. (Doc. Nos. 7, 8, and 9).

On August 27, 2009, Petitioner Lemuel Hall filed the pending writ of *habeas corpus* under 28 U.S.C. § 2241. In the petition, Hall does not allege that he is subject to unconstitutional conditions of confinement or pretrial release. Rather, he attacks the constitutionality of various procedural and evidentiary aspects of his pending criminal prosecution in this Court. In light of the purpose of a *habeas* petition, Judge Bryant determined that a writ of *habeas corpus* was not the proper remedy to address the issues raised by Hall in the pending petition. Accordingly, he found that the Court lacked jurisdiction to issue a writ of *habeas corpus* in this case. Hall filed objections to Judge Bryant's findings, again attacking the constitutionality of the pending criminal prosecution against him.

After conducting a *de novo* review of Judge Bryant's findings and Hall's objections, the Court agrees with the Magistrate Judge's findings and adopts his Report and Recommendation as

its own.

In this case, Hall complains solely about various constitutional issues arising in his pending criminal prosecution. He is not challenging the validity of a conviction or the length of his detention. Thus, a writ of *habeas corpus* is not the proper remedy to address the issues raised by Hall. Accordingly, the pending petition is hereby **denied** and **dismissed with prejudice**.

IT IS SO ORDERED, this 8th day of January, 2010.

/s/Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge