

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD JOSE DUPREE,

Petitioner,

No. 2:11-cv-0533 KJN P

vs.

JIM SCOTT,

ORDER

Respondent.

_____ /

Petitioner is a state prisoner proceeding without counsel, with a civil action filed on the form for filing a petition writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has consented to proceed before the undersigned for all purposes. See 28 U.S.C. § 636(c).

Petitioner has now filed a motion to proceed in forma pauperis. Examination of the in forma pauperis application reveals that petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma pauperis is granted. See 28 U.S.C. § 1915(a).

Petitioner has failed to state a cognizable habeas corpus claim for relief in the instant petition. See Rule 2(c), Rules Governing § 2254 Cases. Although petitioner begins by stating “Denial of Right of Appeal,” the petition is comprised of allegations against network television anchor Jim Scott. Petitioner alleges Jim Scott deceitfully extracted sexual favors from petitioner’s future wife. Petitioner contends Scott’s actions constitute rape and involuntary

1 slavery. Petitioner's allegations appear to be delusional.¹


2 By order filed March 4, 2011, petitioner was directed to show cause why this
3 action should not be dismissed without prejudice. On March 21, 2011, plaintiff filed objections
4 to the court's order. However, petitioner has not shown good cause for maintaining this habeas
5 corpus action; specifically, he has not advanced any basis for challenging his criminal conviction
6 or sentence in a habeas corpus action filed in this court. Therefore, the petition is dismissed
7 without prejudice.

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. Petitioner's March 21, 2011 motion to proceed in forma pauperis (dkt. no. 6) is
10 granted; and

11 2. This action is dismissed without prejudice.

12 DATED: April 1, 2011

13
14 
15 KENDALL J. NEWMAN
16 UNITED STATES MAGISTRATE JUDGE

17
18
19
20
21
22
23
24
25 dupr0533.dsm

26 ¹ Court records reflect that petitioner has recently filed several other actions containing similar allegations.