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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD DAVID HEMSLEY,
Petitioner,
v.
U.S. MARSHAL,
Respondent.

No. 2:18-cv-0634 CKD P

ORDER AND
FINDINGS AND RECOMMENDATIONS

Petitioner has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, together with a request to proceed in forma pauperis. Examination of the in forma pauperis affidavit reveals that petitioner is unable to afford the costs of suit. Accordingly, the request for leave to proceed in forma pauperis is granted. See 28 U.S.C. § 1915(a).

Petitioner is a pro se defendant in 2:13-cr-0300 GEB; criminal proceedings which are ongoing in this court. In the petition filed in this action, petitioner challenges the district court’s decision to order petitioner detained prior to trial. Title 18 U.S.C. § 3145 sets out the procedures available to a criminal defendant for challenging a pretrial order of detention. The procedures include an opportunity to appeal. A review of the docket in 2:13-cr-0300 GEB reveals that petitioner utilized the procedures available to him, including appeal. His appeal was denied by the Ninth Circuit on March 1, 2018, shortly before petitioner filed his § 2241 petition.

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