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

JANICE WEEKS-KATONA,	)	No. C 07-3053 MMC (PR)
Petitioner,)	
v.	)	(Docket Nos. 78, 79)
SCHELIA A. CLARK,)	
Respondent.)	
_____)	
JANICE WEEKS-KATONA,	)	No. C 09-1424 MMC (PR)
Petitioner,	)	(Docket No. 8)
v.)	
D.H. DREW, et al.,	)	ORDER DENYING MOTIONS TO
Respondents.	)	REOPEN AND CONSOLIDATE
_____	)	ACTIONS; INFORMING
	)	PETITIONER THAT NO FURTHER
	)	DOCUMENTS WILL BE FILED IN
	)	THESE CLOSED CASES

Petitioner, a federal prisoner proceeding pro se, moves to reopen and consolidate the above two habeas corpus actions, both of which actions have been dismissed and the cases closed.

Specifically, in 2007, petitioner filed a habeas action under 28 U.S.C. § 2241, challenging her own conviction and sentence. The case was assigned to the Honorable Martin J. Jenkins who, on July 31, 2007, dismissed the petition, finding petitioner must bring her claims in the sentencing court, i.e., the Middle District of Florida, by way of a motion to vacate, set aside or correct the sentence pursuant to 28 U.S.C. § 2255. See Weeks-Katona v. Clark, No. C 07-3053 MMC (PR) (Order, filed Jul. 31, 2007, at 2-3.) Subsequently, after

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1 Judge Jenkins denied all of petitioner’s post-judgment motions, including her request for a
2 certificate of appealability, the record on appeal was transmitted to the Ninth Circuit.
3 Recently, the Ninth Circuit denied both petitioner’s request for a certificate of appealability
4 and her motion for reconsideration of that denial. (Docket Nos. 76, 77.)

5 Petitioner moves to reopen case No. C 07-3053 on grounds that either are
6 unintelligible, unsupported by the record or without legal merit. For example, she asserts the
7 case should be reopened “for lack of jurisdiction in the subject matter sentencing court
8 established in settlement process” because “[t]he matter of imprisonment for debt and tort is
9 ripe for judgment” and “[t]here is no controversy.” (Docket No. 78 ¶ 2). She further asserts
10 the case should be reopened because respondent Warden Copenhaver has acknowledged that
11 certain documents evidencing a “Ratification/ Assessment” of claims against petitioner in
12 two tax cases brought against petitioner in the Middle District of Florida in March 2007 do
13 not exist, and that the absence of such documents entitles her to habeas corpus relief. (*Id.* ¶¶
14 5-6.) Additionally, she argues the case should be reopened because this Court, in ruling on a
15 habeas action filed by another federal prisoner, “has set precedence for settlement by
16 modifying the Judgment of a Sentencing Court via 28 U.S.C. § 2241,” and that
17 “extraordinary and compelling reasons” exist for the Court to consider petitioner’s habeas
18 claims. (*Id.* ¶ 8.) None of petitioner’s arguments provide a basis for reopening case No. C
19 07-3053. Accordingly, the motion to reopen is hereby DENIED.

20 Petitioner also moves for “permissive joinder” and to consolidate case No. C 07-3053
21 with Weeks-Katona v. Drew, No. C 09-1424 MMC (PR), which action she also moves to
22 reopen. In the latter case, petitioner sought to proceed with a federal habeas corpus petition
23 under 28 U.S.C. § 2241 on behalf of her son, Jason Spencer Weeks, who, according to the
24 allegations in the petition, was convicted, together with petitioner in 1994, in the United
25 States District Court for the Middle District of Florida, of numerous federal offenses,
26 including conspiracy, fraud, money laundering, transportation of stolen goods and the
27 attempted murder of a United States officer or employee. By order filed April 17, 2009, the
28 Court dismissed the petition on two grounds: (1) petitioner had not established that she was

1 entitled to appear as a next friend on her son's behalf, and (2) Jason Spencer Weeks both was
2 convicted and is confined in the Middle District of Florida, and, consequently, this Court
3 does not have jurisdiction either over him or his custodian for the purpose of ruling on the
4 validity of the 1994 conviction and sentence. (Order of Dismissal, filed Apr. 17, 2009, at
5 2:14-22.) In support of her motion to reopen the action, petitioner asserts that her son is
6 unable to represent himself because he has "Stockholm Syndrome," has suffered a stroke,
7 and has cancer. (Docket No. 8 ¶ 1.)

8 Petitioner's motion to reopen is hereby DENIED. Even if petitioner's son suffers
9 from infirmities that render him unable to pursue a federal habeas corpus action, and
10 petitioner could establish that she is entitled to appear as a next friend on his behalf, this
11 Court, as previously explained to petitioner, does not have jurisdiction over either petitioner's
12 son or his custodian for the purpose of ruling on the validity of the 1994 conviction and
13 sentence obtained in the Middle District of Florida, which is also the federal judicial district
14 where petitioner's son is confined. In sum, any request for next friend status must be filed by
15 petitioner in that district.


16 As the Court has denied petitioner's motions to reopen the instant actions, petitioner's
17 motions, filed in case No. C 07-3053, for "permissive joinder" and consolidation of those
18 actions is also DENIED.

19 Finally, in view of the Court's rulings herein, petitioner is now informed that the
20 Court will not entertain any further requests for relief from petitioner in either of the instant
21 closed actions.

22 This order terminates Docket Nos. 78 and 79 in case No. C 07-3053, and Docket No.
23 8 in case No. C 09-1424.

24 IT IS SO ORDERED.

25 DATED: August 12, 2009

26 
27 MAXINE M. CHESNEY
28 United States District Judge