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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JUSTICE ALEXANDRIA,

vs.

AMTRAK and UNITED STATES OF
AMERICA,

Respondents.

CASE NO. 07cv1792 JM(WMc)

ORDER GRANTING MOTION FOR
LEAVE TO PROCEED IN FORMA
PAUPERIS; DISMISSING ACTION

Petitioner Justice Alexandria moves for leave to proceed in forma pauperis. Pursuant to declaration, Petitioner is unemployed and does not possess any significant asset. Accordingly, the court grants Petitioner leave to proceed in forma pauperis pursuant to 28 U.S.C. §1915.


The court also sua sponte dismiss the petition brought pursuant to 28 U.S.C. §2241. A prerequisite to maintaining a petition for writ of habeas corpus under §2241 is the custody or detention requirement. See 28 U.S.C. §§2241 and 2242. Moreover, the only relief that can be granted on such a petition is to “award the writ [ordering release from custody] or issue an order directing the respondent to show cause why the writ should not be granted.” See 28 U.S.C. §2243; Carafas v. LaVelle, 391 U.S. 234, 238 (1968) (it is a statutory jurisdictional prerequisite that a habeas corpus petitioner be in custody at the time of filing the petition). Here, Petitioner broadly alleges that “I have been denied (sic) right to file claim,” “I was denied . . . basic human rights, the right to housing, the right to wealth, the right to food, the right to social life,” and “I was denied due process and I tried

1 (sic) to and I did file a claim with the F.B.I. and got no help” with the return of her passport. As these
2 general allegations fail to establish the custody prerequisite, the court dismisses the petition with
3 prejudice as there appears to be no circumstances under which Petitioner can state a claim under 28
4 U.S.C. §2241.

5 In sum, the petition is dismissed with prejudice and without leave to amend. The Clerk of
6 Court is instructed to close the file.

7 **IT IS SO ORDERED.**

8 DATED: November 5, 2007

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10 _____
11 Hon. Jeffrey T. Miller
12 United States District Judge

13 cc: All parties
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