

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

ROGER BEDSOLE,

Petitioner,

-vs-

Case No. 8:06-cv-215-T-17EAJ

JAMES V. CROSBY, JR.,

Respondent.

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**ORDER**

Pro se petitioner Roger Bedsole filed a 28 U.S.C. § 2254 petition for writ of habeas corpus. Petitioner pled guilty to the charge of first degree murder and was sentenced, in 1984, to life imprisonment with a minimum mandatory twenty-five year term of incarceration. The conviction and sentence were entered by the Circuit Court for the Tenth Judicial Circuit, Polk County, Florida. A search of this Court's records demonstrates that Petitioner has not previously filed a 28 U.S.C. § 2254 petition challenging his conviction and sentence.

Petitioner states that he is not challenging his 1984 conviction or sentence for first degree murder. He states that he is only challenging the constitutionality of Florida Statute, section 923.03.

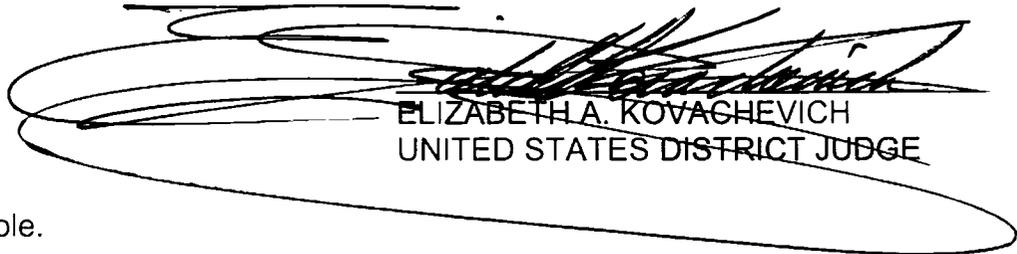
Petitioner's petition for writ of habeas corpus will be dismissed because Petitioner is not challenging his state court conviction. The essence of "habeas corpus" is an attack by a person in custody upon the legality of that custody, and the traditional function of the writ is to secure release from illegal custody. Preiser v. Rodriguez, 411 U.S. 475

(1973)(citing Act Sept. 24, 1789, § 14, 1 Stat. 81; 28 U.S.C.A. §§ 2241, 2241(c)(3), 2254(a); U.S.C.A.Const. art. 1, § 9, cl. 2). Petitioner does not seek release from "illegal custody."

Accordingly, the Court orders:

That Petitioner's petition for writ of habeas corpus is dismissed. The Clerk is directed to enter judgment against Petitioner and to close this case.

ORDERED at Tampa, Florida, on FEBRUARY 13<sup>th</sup>, 2006.

  
ELIZABETH A. KOVACHEVICH  
UNITED STATES DISTRICT JUDGE

Roger Bedsole.