

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DON BENNY ANDERSON,

Plaintiff,

v.

FEDERAL BUREAU OF INVESTIGATION,

Defendant.

Case No. 08-cv-806-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on petitioner Don Benny Anderson's petition for a writ of *habeas corpus* pursuant to 28 U.S.C. § 2241 (Doc. 2). Anderson did not file this action in this district. Rather, he filed his petition to the United States District Court for the District of Nevada, which promptly and appropriately transferred the case here.

There is a problem, however, because Anderson was sanctioned \$500 by this Court on June 3, 1999, for filing frivolous motions. *See United States v. Anderson*, Case No. 82-cr-50031-JPG, Doc. 105. On that date, the Court directed the Clerk of the Court "to return unfiled any papers that [Anderson] attempts to file, unless and until he pays in full [the \$500.00 sanction] imposed against him." *Id.* The Court indicated that its order would remain in effect until Anderson paid the sanction imposed against him. This Court also denied Anderson's motion for relief from sanction (Case No. 82-cr-50031-JPG; Doc. 112) on July 7, 2004. (Case No. 82-cr-50031-JPG; Doc. 115). In that order, the Court indicated that its previous sanction was to remain in force against Anderson. *Id.*

The Court's records do not indicate that Anderson has paid the sanction imposed on him in 1999. Therefore, had this case not been transferred from another district his petition would have been returned to him unfiled. The Court will not permit Anderson to circumvent the

Court's sanction order by allowing him to file documents in other districts only to have them transferred here.

Accordingly, the Court **STRIKES** Anderson's petition (Doc. 2) and **DISMISSES** this case without prejudice because it never should have been filed. The Court **ADVISES** the Clerk of Court that the Court's order directing all papers to be return unfiled unless and until Defendant pays the \$500 sanction remains in force and **WARNS** Anderson that if he tries to circumvent this prohibition by filing in another court with the hope that the action might be transferred to this District, the Court will issue further sanctions.

IT IS SO ORDERED.

DATED: December 1, 2008

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE