

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

RANDALL IZQUIERDO,

Petitioner,

v.

WARDEN, Putnamville Correctional
Facility,

Respondent.

CAUSE NO. 2:21-CV-103-TLS-JPK

OPINION AND ORDER

Randall Izquierdo, a prisoner without a lawyer, filed a motion to compel the Internal Revenue Service to send him a stimulus check [ECF No. 5]. Significantly, Izquierdo initiated this case by filing a habeas petition pursuant to 28 U.S.C. § 2254 for the purpose of challenging his conviction for forgery in the Porter Superior Court. *See* ECF No. 1. The Court cannot grant this request because it raises materially different concerns than those raised in the petition. *See Kaimowitz v. Orlando, Fla.*, 122 F.3d 41, 43 (11th Cir.1997) (“A district court should not issue an injunction when the injunction in question is not of the same character, and deals with a matter lying wholly outside the issues in the suit.”); *Washington v. Smith*, 564 F.3d 1350, 1351 (7th Cir. 2009) (“[A] habeas corpus petition must attack the fact or duration of one’s sentence; if it does not, it does not state a proper basis for relief under § 2254.”).

For these reasons, the Court DENIES the Motion to Compel [ECF No. 5].

SO ORDERED on April 29, 2021.

s/ Theresa L. Springmann

JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT