

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA**

|                    |   |                     |
|--------------------|---|---------------------|
| ROBERT DAVID NEAL, | ) |                     |
|                    | ) |                     |
| vs.                | ) | 2:12-cv-193-JMS-WGH |
|                    | ) |                     |
| JOHN C. OLIVER,    | ) |                     |
|                    | ) |                     |
| Respondent.        | ) |                     |

**Entry and Notice**

This is an action in which Robert David Neal, who is confined in a federal prison in this District, seeks a writ of habeas corpus. His challenge is to the validity of a prison disciplinary proceeding identified as No. 669681.

The respondent has appeared by counsel and has been ordered to show cause why the relief Neal seeks should not be granted. In addition, on November 6, 2012, Neal filed a claim for judicial review pursuant to procedures he has specified (hereafter “claim for judicial review”). It is the claim for judicial review which is considered in this Entry and Notice.

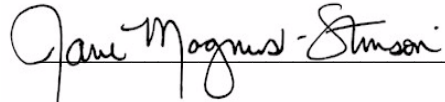
As noted, this is an action brought pursuant to 28 U.S.C. § 2241(c)(3). A necessary predicate for the granting of federal habeas relief [to a petitioner] is a determination by the federal court that [his or her] custody violates the Constitution, laws, or treaties of the United States. *Rose vs. Hodges*, 423 U.S. 19, 21 (1975). Additionally, the court is to proceed in the manner prescribed in 28 U.S.C. § 2243, which requires the court “to dispose of the matter as law and justice require.” See *Porter v. McCollum*, 130 S. Ct. 447, 452 (2009)(citing *Rompilla v. Beard*, 545 U.S. 374, 390 (2005)); *Canaan v. McBride*, 395 F.3d 376, 383 (7th Cir. 2005).

Consistent with the foregoing, the court reaches the conclusions that (1) the parties cannot confer or alter habeas corpus jurisdiction based on their private agreement, (2) the law of Indiana does not supply either a basis for seeking relief pursuant to § 2241(c)(3) or procedures for adjudicating the habeas petition, and (3) federal statutes other than § 2241(c)(3) do not supply either a basis for seeking relief pursuant to § 2241(c)(3) or procedures for adjudicating the habeas petition.

Based on the foregoing, the measures sought and the authorities cited in Neal's claim for judicial review have no connection with the proper adjudication of his petition for a writ of habeas corpus and the relief sought in the claim for judicial review is **denied**.

**IT IS SO ORDERED.**

Date: 11/13/2012



Hon. Jane Magnus-Stinson, Judge  
United States District Court  
Southern District of Indiana

Distribution:

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