

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

| | | |
|-----------------|---|---------------------------|
| JOHN NORRIS, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| vs. |) | No. 2:17-cv-00036-WTL-MJD |
| |) | |
| WARDEN, et al., |) | |
| |) | |
| Respondents. |) | |

Entry Dismissing Action and Directing Entry of Final Judgment

I.

Having considered the petition for writ of habeas corpus of John Norris and the return to order to show cause, and being duly advised, the Court finds that Norris’s habeas petition must be **denied**. This conclusion rests on the following facts and circumstances:

1. Norris is serving a 108 month term of imprisonment imposed by the United States District Court for the Western District of Missouri for violations of 18 U.S.C. § 1341, Mail Fraud, and 18 U.S.C. § 1349, Conspiracy to Commit Mail and Wire Fraud.

2. Norris seeks habeas corpus relief 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 v. Hodges*, 423 U.S. 19, 21 (1975).

3. Norris's habeas claims lack merit for the following reasons:

- Federal clemency lies within the exclusive discretion of the President. Presidential exercise of the pardon authority is not subject to review pursuant to the Administrative Procedures Act. *Franklin v. Mass.*, 505 U.S. 788, 800-01 (1992).
- Norris has no recognized right under the Deferred Action for Parents of Americans, which was never put into effect and which in any event was rescinded by the Secretary of the Department of Homeland Security on June 15, 2017.

4. Norris has not disputed the government's arguments on any of the foregoing points

and for the reasons explained above his petition for writ of habeas corpus must be **denied**.

II.

Judgment consistent with this Entry shall now issue.

IT IS SO ORDERED.

Date: 8/18/2017



Hon. William T. Lawrence, Judge
United States District Court
Southern District of Indiana

Distribution:

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