

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION AT LONDON

MICHAEL HOWARD HUNTER,

Petitioner,

v.

J. C. HOLLAND, *Warden*,

Respondent.

Civil Action No. 6:15-CV-117-KKC

**MEMORANDUM OPINION
AND ORDER**

*** **

The Court considers various submissions [R. 5-10] filed by Michael Howard Hunter, an inmate confined by the Bureau of Prisons (“BOP”) in the United States Penitentiary-McCreary, located in Pine Knot, Kentucky. As explained below, Hunter’s new submission entitled “Petition for Writ of Habeas Corpus” [R. 8] will be denied as premature, his motion to proceed *in forma pauperis* will be granted and the \$5.00 filing fee will be waived, and all of Hunter’s other recently filed motions will be denied as moot.

Between July 7-9, 2015, Hunter filed two lengthy motions in which he challenged his most recent federal conviction from North Dakota and demanded immediate release from the BOP’s custody. [R. 1; R. 2] The Court administratively classified Hunter’s collective submissions as a petition for writ of habeas corpus under 28 U.S.C. § 2241. On July 16, 2015, the Court conducted an initial review of Hunter’s submissions and entered a Memorandum Opinion and Order and Judgment denying Hunter’s construed § 2241 petition as premature. [R. 3; R. 4] The Court explained that Hunter’s construed § 2241 petition seeking release from custody was premature because his 28 U.S.C. § 2255 motion was (and currently is) pending in the North Dakota federal court where he was convicted and sentenced in November 2013.

The Clerk of the Court has since received and filed a series of motions from Hunter in which he seeks discharge from his allegedly “unlawful confinement;” permission to proceed as a pauper in this action; permission to amend his prior filings; the appointment of counsel; a hearing on his claims; and an order declaring his current federal confinement unconstitutional. [R. 5-10] Hunter has also submitted a document entitled “Petition for Writ of Habeas Corpus” [R. 8], in which he reiterates his earlier claims, collaterally challenges his North Dakota federal conviction, and seeks immediate release from federal custody. Because the Court determined that Hunter’s earlier, construed § 2241 petition was premature, it also concludes that for the same reasons, Hunter’s newly filed “Petition for Writ of Habeas Corpus” [R. 8] is also premature and should also be denied without prejudice. Hunter’s motion to proceed *in forma pauperis* [R. 6-3] will be granted, and the \$5.00 filing fee will be waived, but all of Hunter’s other recent motions will be denied as moot.

Finally, review of Hunter’s litigation history in PACER (the federal judiciary’s online database) reveals that Hunter has barraged the numerous federal courts across the country with repetitive, frivolous, and duplicative lawsuits challenging his past and current federal custody. Hunter appears to be employing this unrelenting and bombastic practice on a daily basis in this proceeding. Hunter’s conduct serves no legitimate purpose and places a tremendous burden on this Court’s limited resources, while depriving other litigants who have plausible claims of the speedy resolution of their cases. Hunter’s litigation tactics demonstrate bad faith and constitute an abuse of the judicial process, and will not be tolerated. If Hunter persists in this practice, the Court will enter an appropriate sanction order. **Hunter is so advised.**

CONCLUSION

Accordingly, it is hereby **ORDERED** as follows:

1. Michael Howard Hunter's "Petition for Writ of Habeas Corpus" [R. 8] is **DENIED** as **PREMATURE** for the same reasons set forth in the Memorandum Opinion and Order [R. 3] entered herein on July 16, 2015.

2. Hunter's motion seeking discharge from federal custody [R. 5], as supplemented at R. 10, is **DENIED** as **MOOT**.

3. Hunter's motion docketed as R. 6 is **GRANTED** in **PART** and **DENIED** in **PART**, as follows: Hunter's motion to amend or correct his prior filings [R. 6] is **DENIED** as **MOOT**; Hunter's motion to proceed *in forma pauperis* [R. 6-3] is **GRANTED**, and the \$5.00 filing fee is **WAIVED**; and Hunter's motion seeking the appointment of counsel [R. 6] is **DENIED** as **MOOT**.

4. Hunter's motion requesting a hearing and discharge from "lawless custody" [R. 7] is **DENIED** as **MOOT**.

5. Hunter's motion seeking an order (a) declaring his current confinement as unconstitutional, and (b) the appointment of counsel [R. 9] is **DENIED** as **MOOT**.

6. **If Hunter continues filing abusive, repetitive, and/or frivolous motions in this proceeding, the Court will enter an appropriate sanction order.**

Dated July 29, 2015.



Karen K. Caldwell

KAREN K. CALDWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY