

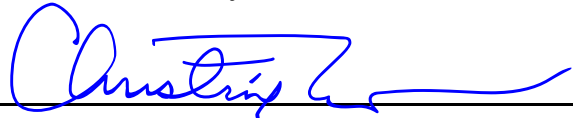
**UNITED STATES DISTRICT COURT****MIDDLE DISTRICT OF LOUISIANA****JULIO COBOS, SR.****CIVIL ACTION****VERSUS****U.S. STATES MIDDLE DISTRICT  
COURT, STATE OF LOUISIANA****NO. 09-94-C-M2****NOTICE**

Please take notice that the attached Magistrate Judge's Report has been filed with the Clerk of the United States District Court.

In accordance with 28 U.S.C. § 636(b)(1), you have 10 days from the date of service of this Notice to file written objections to the proposed findings of fact and conclusions of law set forth in the Magistrate Judge's Report. The failure of a party to file written objections to the proposed findings, conclusions, and recommendation contained in a Magistrate Judge's Report and Recommendation within 10 days after being served with a copy of the Report shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions of the Magistrate Judge that have been accepted by the District Court.

**ABSOLUTELY NO EXTENSION OF TIME SHALL BE GRANTED TO FILE  
WRITTEN OBJECTIONS TO THE MAGISTRATE JUDGE'S REPORT.**

Signed in chambers in Baton Rouge, Louisiana, February 20, 2009.



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**MAGISTRATE JUDGE CHRISTINE NOLAND**

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

**JULIO COBOS, SR.**

**CIVIL ACTION**

**VERSUS**

**U.S. STATES MIDDLE DISTRICT  
COURT, STATE OF LOUISIANA**

**NO. 09-94-C-M2**

**MAGISTRATE JUDGE'S REPORT**

Before the Court is a Motion for Fast and Speedy Trial or Alternatively, for Dismissal and Expungement (R. Doc. 1), which has been docketed in the above-referenced matter as a Petition for Writ of Habeas Corpus. Although petitioner's claims are somewhat unintelligible, it appears that petitioner is a state inmate incarcerated at Franklin Parish Detention Center in Winnsboro, Louisiana; that he is currently serving a fifteen (15) year sentence as a result of a conviction in Calcasieu Parish; and that, through his present motion, he seeks have this Court resolve a felony detainer filed against him in Calcasieu Parish. Specifically, he seeks to plead guilty as charged to the felony detainer in exchange for credit for time served and wishes that his sentence run concurrent with the sentence he is now serving.

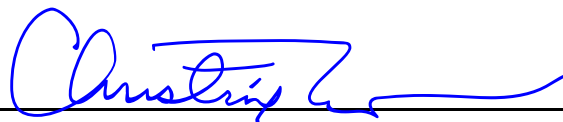
This Court, however, has no jurisdiction to resolve petitioner's felony detainer, as that is a matter to be resolved in state court in Calcasieu Parish. *Eitel v. Holland*, 787 F.2d 995 (5<sup>th</sup> Cir. 1987)(quoting *American Furniture Co. v. International Accommodations Supply*, 721 F.2d 478 (5<sup>th</sup> Cir. 1981)(Where a plaintiff seeks federal review of actions and determinations made in a state court case, it is beyond the power of the federal court to enjoin the effect of state court judgments); *Rothstein v. Montana State Supreme Court*, 537 F.Supp. 177 (D.Mont. 1986)(Federal courts lack jurisdiction to review actions in the nature

of a mandamus to compel state courts, officers or employees to perform duties owed to the plaintiff). Moreover, even if a federal court had jurisdiction to resolve petitioner's felony detainer, as he requests, this district would not be the appropriate district within which to file his present motion since this district has absolutely no connection to the underlying facts of petitioner's case. Petitioner is not incarcerated in the Middle District of Louisiana, and his underlying conviction and the felony detainer at issue in his motion were not entered in this district. Accordingly, petitioner's present motion should be dismissed without prejudice.

**RECOMMENDATION**

For the above reasons, the Motion for Fast and Speedy Trial or Alternatively, for Dismissal and Expungement (R. Doc. 1) filed by petitioner, Julio Cobos, Sr., should be **DISMISSED WITHOUT PREJUDICE.**

Signed in chambers in Baton Rouge, Louisiana, February 20, 2009.



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**MAGISTRATE JUDGE CHRISTINE NOLAND**