

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CHRISTOPHER GEORGE WILEY

CIVIL ACTION

VERSUS

JAMES CALDWELL, ET AL.

NO.: 14-00337-BAJ-RLB

RULING AND ORDER

Before the Court is Petitioner's **Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (Doc. 1)**. The Magistrate Judge has issued a **Report and Recommendation (Doc. 10)** recommending that Petitioner's application for habeas corpus relief be dismissed, because Petitioner is not subject to confinement by a federal court as required for relief under § 2255 and, furthermore, Petitioner has not exhausted state court remedies for the claim asserted in his Motion. Petitioner has filed a response to the Magistrate Judge's Report. (Doc. 11).¹

¹ The Court notes that Petitioner's filed response contains no substantive objections to the Magistrate Judge's proposed findings of fact, conclusions of law, or recommendations therein. Petitioner's response includes only the following: a copy of the Magistrate Judge's Report, in which Petitioner hand-wrote the phrase "subject to deate [sic] arguable meaning" by the final Recommendation, (Doc. 11 at pp. 1-4, 6); this Court's Order granting Petitioner's Motion to Proceed *In Forma Pauperis*, (Doc. 11 at p. 5); the Judgment of the 20th Judicial District Court of Louisiana ordering the commitment of Petitioner to the Department of Health and Hospitals, (Doc. 11-1 at pp. 1-2); a Complaint/Request Form submitted by Petitioner during his commitment, in which he requests to know why he is to be sent to court every six months, (Doc. 11-1 at p. 3); and a copy of the envelope in which Petitioner's response arrived to this Court by certified mail, (Doc. 11-1 at p. 4).

Having carefully considered Petitioner's **Motion Under 28 U.S.C. § 2255 (Doc. 1)** and related filings, the Court **APPROVES** the Magistrate Judge's **Report and Recommendation (Doc. 10)** and **ADOPTS** it as the Court's opinion in this matter. Accordingly, for the reasons explained in the Magistrate Judge's Report (Doc. 10),

IT IS ORDERED that Petitioner's **Motion Under 28 U.S.C. § 2255 (Doc. 1)** is **DISMISSED**.²

IT IS FURTHER ORDERED that the following pending motions are **DENIED AS MOOT**:

- **Motion to Appoint Counsel (Doc. 4);**
- **Motion for Writ of Mandamus (Doc. 5);** and
- **Motion for Speeding Trial, Appointed of Attorneys and Writ of Mandamus [sic] (Doc. 6)**

Baton Rouge, Louisiana, this 6th day of January, 2015.



**BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

² As stated in the Magistrate Judge's Report, Petitioner is advised that, upon exhaustion of state court remedies, he may seek federal habeas corpus relief by filing a petition pursuant to 28 U.S.C. § 2241 or § 2254. (See Doc. 10 at p. 4).