

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

RANDALL S. HORR,)	
)	
Petitioner,)	
)	
v.)	Civil No. 7-147-B-W
)	
STATE OF MAINE,)	
)	
Respondent)	

ORDER ON MOTION FOR BAIL (Docket No. 30), MOTION TO INFORM/FOR RELIEF (Docket No. 39), and MOTION TO REQUEST SANCTIONS (Docket No. 40)

Pending in this court is a 28 U.S.C. § 2254 petition filed by Randall Horr seeking federal relief from his state court conviction on motor vehicle offenses. Horr has now filed three motions in this action: a motion for bail; a motion to inform/motion for relief; and a motion for sanctions.

In the motion for bail Horr argues that his "basic substantive fundamental rights" were violated when he was convicted and that he needs medical treatment. (Mot. Bail at 1-2, Doc. No. 30.) He indicates that he has served seven years of his unfairly long sentence, has only two years remaining, and he is not a flight risk. (Id. at 2.) I have screened Horr's 28 U.S.C. § 2254 petition and, although the merits of his grounds will be fully addressed by the court, his petition does not present grounds that would warrant release of a state prisoner pending resolution of the § 2254 proceeding. See, e.g., Glynn v. Donnelly, 470 F.2d 95 (1st Cir. 1972); Benson v. State of Ca., 328 F.2d 159 (9th Cir. 1964); Miller v. McWilliams, Civ. No. 07-1461-PHX-MHM (BPV), 2008 WL 243706, 6 (D. Ariz. Jan 25, 2008).

As for his motion to inform/ motion for relief, this is an effort to get the court to strike the respondent's response to his petition in the wake of this court's order to clarify/supplement the record. (See Doc. No. 36.) That order to supplement has been more than adequately responded to by the State. (See Doc. No. 37; State Apps. Suppl. A, H & I.) This motion by Horr is frivolous.

Finally, in Horr's most recent motion requesting sanctions (Doc. No. 40) Horr mistakenly asserts that the State's response to the order to clarify/supplement was untimely. The docket demonstrates that the State filed the requested clarification/supplementation on October 10, 2008. (See Doc. No. 37.) This motion by Horr is also frivolous.

Accordingly, I deny Horr's motion for bail, his motion to inform/motion for relief, and his motion for sanctions (Docs. Nos. 30, 39 & 40). I further caution Horr to not file additional motions in this 28 U.S.C. § 2254 proceeding prior to the issuance of a recommended decision on the merits of his § 2254 grounds which have been fully briefed. Horr will then have an opportunity to respond to that recommendation.

CERTIFICATE

Any objections to this Order shall be filed in accordance with Fed.R.Civ.P. 72.

So Ordered.

October 22, 2008

/s/ Margaret J. Kravchuk
U.S. Magistrate Judge