

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

JEROME BARBOZA,

Petitioner,

v.

BOSTON FEDERAL COURT,

Respondent.

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Civil Action No. 14-cv-12653-ADB

ORDER

April 22, 2015

BURROUGHS, D.J.

On May 21, 2014, Jerome Barboza (“Mr. Barboza”) filed a petition for writ of habeas corpus under 28 U.S.C. § 2241, which has not yet been served. [Dkt. 1.] For the reasons stated below, the Court dismisses this petition.

Mr. Barboza, who is currently in state custody, states in his habeas petition that he is currently serving a 5 ½ to 10-year sentence, that he is subject to a federal “probation violation detainer,” and that he seeks to be brought before the Court to “discuss the matter.” In a letter filed earlier this month, Mr. Barboza asked again to be brought before the Court to “figure this out” and stated that the issue had been pending for three years. [Dkt. 6.]

A habeas petition is not the proper mechanism for granting the relief Mr. Barboza seeks. Instead, his request and any pending detainer must be addressed by the Judge currently responsible for the related criminal case, United States v. Barboza, Crim. No. 08-10140.

In 2008, Mr. Barboza was prosecuted in this Court and pled guilty to one count of Distribution of Cocaine Base in violation of 21 U.S.C. § 841(a)(1). [Crim. No. 08-10140, Dkt. 1,

21.] In 2009, then-Chief Judge Mark L. Wolf sentenced Mr. Barboza to 24 months in federal custody, followed by 48 months of supervised release. [Id., Dkt. 30.]

In 2011, while serving the supervised release portion of his federal sentence, Mr. Barboza was involved in a gunfight that resulted in state criminal charges (for which he is now in state custody). A U.S. Probation Officer previously filed a memorandum in Mr. Barboza's federal criminal case, requesting that Judge Wolf schedule a hearing on the revocation of Mr. Barboza's supervised release. [Id., Dkt. 45.]

Judge Wolf has scheduled a revocation hearing for April 29, 2015. [Id., Dkt. 47.] The issue of the revocation of Mr. Barboza's supervised release is properly addressed in the scheduled revocation hearing, rather than through a petition for a writ of habeas corpus.

Accordingly, this action is DISMISSED. The petitioner is excused from responding to the Court's recent order in this action to pay the filing fee or seek leave to proceed in forma pauperis, as that order is now effectively mooted. [Civ. No. 14-12653, Dkt. 7.]

**SO ORDERED.**

Dated: April 22, 2015

Allison D. Burroughs  
ALLISON D. BURROUGHS  
DISTRICT JUDGE