

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LOUIS WILBON,

Petitioner,

Case No. 07-12780
HON. AVERN COHN

v.

KEN ROMANOWSKI,

Respondent.

ORDER DENYING PETITIONER'S MOTION FOR DECLARATORY JUDGMENT

I.

This is a habeas case under 28 U.S.C. § 2254. Petitioner Louis Wilbon (Petitioner) is a state inmate at the Gus Harrison Correctional Facility in Adrian, Michigan. On July 3, 2007, Petitioner filed a petition for a writ of habeas corpus, alleging that he is incarcerated in violation of his constitutional rights. Respondent, through the Attorney General's office, filed its answer on January 10, 2008. Before the Court is Petitioner's motion for declaratory judgment, filed on January 25, 2008. For the reasons which follow, the motion is DENIED.

II.

The relief Petitioner seeks in his motion is the same relief sought in his petition for a writ of habeas corpus. That is, Petitioner seeks a declaration that his convictions were obtained in violation of his constitutional rights. The motion is premature and duplicative. The constitutionality of Petitioner's convictions will be determined when the

Court addresses the merits of the habeas petition, which will be done after the appropriate Rule 5 materials have been filed.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: February 1, 2008

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record and Louis Wilbon, 162532, Gus Harrison Correctional Facility, 2727 E. Beecher Street, Adrian, MI 49221 and John Green, 196584, Gus Harrison Correctional Facility 2727 E. Beecher Street, Adrian MI 49221 on this date, February 1, 2008, by electronic and/or ordinary mail.