

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MATTHEW MOORE,

Petitioner,

Civil No. 4:16-CV-10874

HONORABLE LINDA V. PARKER

v.

THOMAS MACKIE,

Respondent.

OPINION AND ORDER DENYING MOTION FOR BOND (ECF NO. 30)

Petitioner Matthew Moore, presently incarcerated at the Oaks Correctional Facility in Manistee, Michigan, filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, (ECF No. 1), as well as a *pro se* supplemental motion in support of the petition, (ECF No. 21). Now before the Court is Petitioner's Motion for Bond. (ECF No. 30.)

“In order to receive bail pending a decision on the merits, prisoners must be able to show not only a substantial claim of law based on the facts surrounding the petition but also the existence of ‘some circumstance making [the motion for bail] exceptional and deserving of special treatment in the interests of justice.’” *Lee v. Jabe*, 989 F.2d 869, 871 (6th Cir. 1993) (alteration in original) (quoting *Dotson v. Clark*, 900 F.2d 77, 79 (6th Cir. 1990)). Because a habeas petitioner “is appealing

a presumptively valid state conviction[,] . . . it will indeed be the very unusual case where a habeas petitioner is admitted to bail prior to a decision on the merits in the habeas case.” *Id.* Petitioner’s motion fails to demonstrate the existence of any extraordinary and exceptional circumstance which merits release on bond.

Accordingly, the Motion for Bond is denied.

IT IS SO ORDERED.

s/ Linda V. Parker

LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: March 31, 2020