

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DARREL LEE WILBER,

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Petitioner,

)

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v.

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No. 4:14-CV-1894-TIA

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DENNIS A. DEARING,

)

Respondent.

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MEMORANDUM AND ORDER

This matter is before the Court upon movant’s petition for a writ of habeas corpus. “A petition for habeas corpus must be filed while the petitioner is in custody.” Leonard v. Nix, 55 F.3d 370, 372 (8th Cir. 1995) (citing Maleng v. Cook, 490 U.S. 488 (1989)). There is an exception to the custody rule where the petitioner, “though released from custody, faces sufficient repercussions from his allegedly unlawful conduct.” Id.

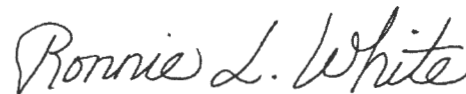
Here, there is no indication in movant’s petition that he is, or was ever, in custody, or that his petition is anyway related to movant being held in custody. Rather, the petition is a nearly incomprehensible discussion of patent law. It is unclear what movant is claiming in his petition.

Accordingly,

IT IS HEREBY ORDERED that this case is subject to dismissal for lack of jurisdiction pursuant to Rule 12(h)(3) of the Federal Rules of Civil Procedure.

An order of dismissal will accompany this Memorandum and Order.

Dated this 20th day of November, 2014.



RONNIE L. WHITE
UNITED STATES DISTRICT JUDGE