

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION**

GORDON FRANKLIN, JR.,	)	
	)	
Petitioner,	)	
v.	)	Civil Action
	)	No. 07-3171-CV-S-RED-H
JOSEPH E. GUNJA, Warden,	)	
United States Medical Center for	)	
Federal Prisoners,	)	
	)	
Respondent.	)	

**REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Petitioner, an inmate confined in the United States Medical Center for Federal Prisoners, petitions this Court for a writ of habeas pursuant to 28 U.S.C. § 2241. The petition has been referred to the undersigned for preliminary review under 28 U.S.C. § 636(b). Because petitioner has failed to state a claim upon which relief can be granted, it must be recommended that he be denied leave to proceed in forma pauperis and that the petition for habeas corpus relief be dismissed with prejudice.

The Court notes, initially, that petitioner has been committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4246. United States v. Franklin, No. 90-3445 (W.D. Mo. 1990). He has twice been conditionally released from that commitment, and both releases were revoked because petitioner violated conditions of his release. Annual reports have been submitted regarding the appropriateness of continued mental health treatment, as required by 18 U.S.C. § 4246(e)(B). Petitioner’s commitment is lawful.

As grounds for relief in habeas corpus, petitioner has failed to set forth any assertions challenging the conditions of his confinement that are comprehensible. For example, as his grounds for relief he states, “Tamper with the U.S. Postmaster General mail with the mean to fraud by defraud in which to cover up truth.” [Petition, at 3]. His supporting facts begin with “mandate within the honorable petitioner petition of the prescribe of the ascribe of this urgent request of many things of underhand foul play has been in the setting forth of the awarded by unjust mean of injustice [sic] and not in the ruling. . . .”[Id]. Even imparting a liberal construction to petitioner's pro se complaint, because petitioner's allegations are not sufficiently specific to state a claim in this case, his petition should be dismissed. Black Spotted Horse v. Else, 767 F.2d 516, 517 (8th Cir. 1985).

For the foregoing reasons, it is, pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri,

RECOMMENDED that petitioner be denied leave to proceed in forma pauperis, and that the petition for habeas corpus relief be dismissed with prejudice.

/s/ James C. England  
JAMES C. ENGLAND, Chief  
United States Magistrate  
Judge

Date: 6/12/07