



The Medical Center has requested an extension of the period of commitment for 60 days, which was ordered by United States District Judge Gary A. Fenner, on August 10, 2009. This extension was based on the treating psychologist's opinion that while defendant is still not competent to stand trial, he has made progress, is voluntarily taking his medication, and regularly attends the competency restoration group. United States v. Davis, 08-03126-01-CR-S-GAF (W.D. Mo. August 10, 2009). Therefore, it is clear that petitioner's claims of denial of access to the courts are without merit, that he is lawfully confined at the Medical Center at this time, and that his allegations regarding his right to challenge the underlying criminal charges are not properly before this Court.

Based on the file and records in this case, it is concluded that the findings of fact, conclusions of law, and proposed actions of the Magistrate are correct and should be approved. It is therefore

ORDERED that petitioner's exceptions filed herein be, and they are hereby, considered and overruled. It is further

ADJUDGED that petitioner be denied leave to proceed in forma pauperis, and that the petition herein for a writ of habeas corpus be, and it is hereby, dismissed without prejudice.

/s/ Richard E. Dorr  
RICHARD E. DORR  
United States District Judge

Date: October 23, 2009