

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

TIERRIE JONES,)	
)	
)	Petitioner,
)	
v.)	Civil Action
)	No. 09-3333-CV-S-RED-H
MARTY C. ANDERSON, et al.,)	
)	
)	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.

As grounds for relief in habeas corpus, petitioner appears to complain that the issue of his mental competency was not raised or determined during trial. He has, however, failed to set forth any assertions that are understandable in terms of stating a habeas claim for relief before this Court. 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). Further, to the extent that petitioner may have stated a cognizable claim, it would appear that it should have been filed pursuant to 28 U.S.C. § 2255 with the sentencing court.

For the foregoing reasons, it is, pursuant to the governing law and in accordance with Local Rule 22 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 without prejudice.

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

Date: 10/15/09