

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

In Re ROMAN SONNY McCARTHY, Cause No. CV 08-93-BU-RFC-CSO

Petitioner,

FINDINGS & RECOMMENDATION

On December 17, 2008, the Court received several documents from Roman Sonny McCarthy, a state prisoner proceeding pro se. The documents include two bound volumes, two letters (docs. 1 #1 and 1 #2), and a document (doc. 1) that cites § 2247, presumably of Title 28 of the United States Code. McCarthy also filed a motion to proceed *in forma pauperis* (doc. 2). The documents were filed as a petition for writ of habeas corpus under 28 U.S.C. § 2241.

It is difficult to understand McCarthy's documents. He seems to accuse the Montana courts of dishonesty on the grounds that they have failed to tell him how much it costs for him to purchase justice. See, e.g., Injunction for Habeas Corpus

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Prisoner at 9.¹ McCarthy asks this Court to assist him in attempting to obtain copies of documents and transcripts from the state proceedings against him. He claims that he is now in a position to purchase justice because Nathaniel Bar-Jonah confided a great secret in him shortly before his death and McCarthy can sell the secret to media outlets. See Injunction for Habeas Corpus Prisoner at 11.

This Court has no authority to do as McCarthy asks. 28 U.S.C. § 2247 is a rule of admissibility in the federal courts. Neither it nor any other authority of which the Court is aware would permit a federal court to exercise supervisory control over state courts. Furthermore, McCarthy has failed to show cause for leave to proceed in forma pauperis or to obtain transcripts or documents at public expense. McCarthy's request for federal intervention should be denied.

Based on the foregoing, the Court enters the following:

RECOMMENDATION

1. McCarthy's motion to proceed in forma pauperis (doc. 2) should be found MOOT.
2. McCarthy's petition (doc. 1) should be DENIED.
3. The Clerk of Court should be directed to enter judgment, by separate

¹ This document is bound and is available only in paper, not electronic, form.

document, against McCarthy.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS &
RECOMMENDATION
AND CONSEQUENCES OF FAILURE TO OBJECT**

Pursuant to 28 U.S.C. § 636(b)(1), Petitioner may serve and file written objections to this Findings and Recommendations within ten (10) business days of the date entered as indicated on the Notice of Electronic Filing. A district judge will make a de novo determination of those portions of the Findings and Recommendations to which objection is made. The district judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district judge.

McCarthy must immediately notify the Court of any change in his mailing address. Failure to do so may result in dismissal of his case without notice to him.

DATED this 29th day of December, 2008.

/s/ Carolyn S. Ostby
Carolyn S. Ostby
United States Magistrate Judge