

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CLINTON BROOKS JR.,)
)
 Petitioner,)
)
 v.)
)
 NEBRASKA DEPT. OF)
 CORRECTIONS, and SCOTT)
 FRAKES, Director,)
)
 Respondents.)
 _____)

4:15CV3051

MEMORANDUM AND ORDER

Clinton Brooks Jr. (Brooks) claims he was denied bail while his conviction is under appeal. He claims that such denial violates his federal constitutional rights, and, accordingly, he has filed petition under the provisions of [28 U.S.C. § 2254](#).

The Respondents have filed a motion for summary judgment supported by the relevant portions of the record. The Respondents have also submitted a brief. Brooks has not responded.

Since Brooks has been convicted of a state crime, Brooks has no federal constitutional right to bail in his state appeal. *See, e.g., Siegal v. Follette, 290 F. Supp. 632, 635 (S.D.N.Y. 1968)*. (Petitions for habeas corpus seeking release from state prison pending appeal of convictions of petitioners to the New York Court of Appeals. The District Court, Croake, J., held, inter alia, that since petitioners had been convicted they had no right to bail under the Eighth Amendment, which applied to New York through Fourteenth Amendment.) Therefore, the motion for summary judgment will be granted and this case will be dismissed with prejudice.

IT IS ORDERED that the motion for summary judgment (filing no. [9](#)) is granted. Judgment will be entered for the Respondents and against Petitioner providing that Petitioner shall take nothing and his habeas corpus petition (filing no. [1](#)) is denied and dismissed with prejudice. No certificate of appealability will be issued. A separate judgment will be entered.

DATED this 14th day of January, 2016.

BY THE COURT:

Richard G. Kopf
Senior United States District Judge