

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**DALE ERNEST DENOYER,** )  
 )  
**Petitioner,** )  
 )  
**v.** )  
 )  
**UNITED STATES OF AMERICA, U.S.** )  
**MARSHAL’S SERVICE, U.S. PAROLE** )  
**COMMISSION, and U.S. PROBATION** )  
**OFFICE,** )  
 )  
**Respondents.** )

**8:15CV185**

**MEMORANDUM  
AND ORDER**

On September 28, 2015, the Court conducted a preliminary review of Petitioner Dale Ernest Denoyer’s Petition for Writ of Habeas Corpus (Filing No. 1) filed pursuant to 28 U.S.C. § 2241. The Court determined it could discern no jurisdictional basis for entertaining Denoyer’s § 2241 petition in this Court. The Court ordered Denoyer to show cause within 30 days for why jurisdiction is proper in this federal district court. (Filing No. 12.)

Denoyer filed his response to the Court’s order on October 6, 2015, in which he merely reasserted the allegations set forth in his habeas corpus petition. Thus, once again, the Court can discern no jurisdictional basis from Denoyer’s allegations for entertaining his petition in this federal district court. Denoyer is not incarcerated in Nebraska, and Denoyer has not explained how this Court has jurisdiction over Denoyer’s current custodian. See *Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 494–95 (1973) (holding that a court may not issue a writ of habeas corpus unless it has jurisdiction over the petitioner’s custodian). Accordingly,

IT IS ORDERED:

1. Denoyer's Petition for Writ of Habeas Corpus (Filing No. 1) is dismissed without prejudice to reassertion in a federal district court with jurisdiction over Denoyer's custodian. The Court will enter judgment by a separate order.
2. Denoyer is advised that the Court will not issue a certificate of appealability in this case.

DATED this 20<sup>th</sup> day of January, 2016.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge