

Petitioner is incarcerated in Leavenworth, Kansas. Because Petitioner is not incarcerated in this district, the court will dismiss the petition without prejudice to reassertion in the proper forum.

II. CERTIFICATE OF APPEALABILITY

A petitioner cannot appeal an adverse ruling on his petition for writ of habeas corpus under § 2254 unless he is granted a certificate of appealability. 28 U.S.C. § 2253(c)(1); 28 U.S.C. § 2253(c)(2); Fed. R. App. P. 22(b)(1). The standards for certificates (1) where the district court reaches the merits or (2) where the district court rules on procedural grounds are set for in *Slack v. McDaniel*, 529 U.S. 473, 484-485 (2000). I have applied the appropriate standard and determined Petitioner is not entitled to a certificate of appealability.

IT IS ORDERED that this case is dismissed without prejudice to reassertion in the proper forum.

DATED this 23rd day of May, 2016.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge