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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEVEN J. BANK,)
)
 Petitioner,)
)
 vs.)
)
 ELLWORTH WINNER,)
)
 Respondent.)
 _____)

Case no. 2:17-cv-00691-RFB-NJK

ORDER

This case is a petition for a writ of habeas corpus under 28 U.S.C. § 2241. With his petition, Bank seeks to challenge the issuance of a traffic citation and the municipal court’s denial of his motion to dismiss.

The court has reviewed Bank’s petition pursuant to 28 U.S.C. § 2243. The federal courts have jurisdiction to issue a writ of habeas corpus to someone who “is in custody in violation of the Constitution or laws or treaties of the United States. . . .” 28 U.S.C. § 2241(c)(3). The “in custody” requirement is jurisdictional. *Maleng v. Cook*, 490 U.S. 488, 490 (1989) (per curiam).

Bank does not allege facts establishing that can meet the “in custody” requirement. In general, courts hold that the imposition of a fine does not suffice. *Bailey v. Hill*, 599 F.3d 976, 979 (9th Cir. 2010); *Williamson v. Gregoire*, 151 F.3d 1180, 1183 (9th Cir. 1998); *Dremann v. Francis*, 828 F.2d 6, 7 (9th Cir. 1987). Bank does not otherwise state or suggest how his liberty being restrained in a manner for him to be considered “in custody.” Thus, this court lacks jurisdiction to grant habeas relief.

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IT IS THEREFORE ORDERED that the petition for writ of habeas corpus (ECF No. 1) is
DISMISSED for lack of jurisdiction. The Clerk shall enter judgment accordingly.

IT IS FURTHER ORDERED that the petitioner is denied a certificate of appealability.

DATED this 22nd day of March, 2017.



RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE