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6 **UNITED STATES DISTRICT COURT**
7 **DISTRICT OF NEVADA**

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9 DENISE PEREZ, Petitioner, Case No. 2:17-cv-00996-APG-VCF
10 v. **ORDER**
11 PATENAUDE AND FELIX CPA, et al.,
12 Respondents.

13 Denise Perez has filed what she has styled as a *pro se* petition for writ of habeas
14 corpus pursuant to 28 U.S.C. § 2254 (ECF No. 1). However, she appears to seek to
15 challenge a default judgment against her and in favor of one or more creditors and to
16 challenge the denial of her motion for stay of execution.

17 The federal habeas statute gives the United States district courts jurisdiction to
18 entertain petitions for habeas relief only from persons who are “in custody in violation of
19 the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3)
20 (emphasis added); see also 28 U.S.C. § 2254(a). The U.S. Supreme Court, in *Maleng*
21 *v. Cook*, 490 U.S. 488 (1989), noted that the Court “interpreted the statutory language
22 as requiring that the habeas petitioner be ‘in custody’ under the conviction or sentence
23 under attack at the time his petition is filed.” 490 U.S. at 490-91 (emphasis added)
24 (citation omitted). Perez is not in custody pursuant to a state-court judgment, and
25 therefore, this petition is dismissed for failure to state a claim for which federal habeas
26 relief may be granted.

IT IS THEREFORE ORDERED the petition is **DISMISSED** with prejudice for failure to state a claim for which federal habeas relief may be granted.

IT IS FURTHER ORDERED that, to the extent that it is necessary in this procedural context, a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that Clerk shall enter judgment and close this case.

DATED: 16 October 2017.


ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE