

**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF OKLAHOMA**

<b>JOHN DONALD KELSO,</b>	)	
	)	
Petitioner,	)	
	)	
v.	)	<b>Case No. CIV 09-419-FHS-KEW</b>
	)	
<b>MR. MILLER and</b>	)	
<b>DR. WEINSTEIN,</b>	)	
	)	
Respondents.	)	

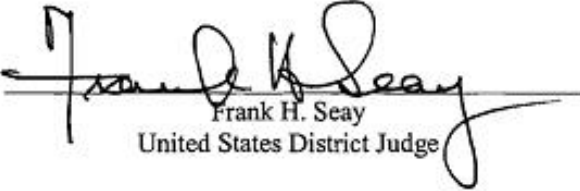
**OPINION AND ORDER**

Petitioner John Donald Kelso, a resident of the Patton State Hospital in Patton, California, has filed a Petition for a Writ of Mandamus, asserting the pleading actually is a petition for rehearing of *Kelso v. Miller*, No. CIV 08-366-F (W.D. Okla. July 29, 2008), *aff'd*, No. 08-6174 (10th Cir. Dec. 16, 2008). Although his handwritten document is almost impossible to read, he is complaining that forgers have attempted to show his name is John *David* Kelso. He also alleges he is under great duress and almost incommunicado. It is unclear, but he appears to be claiming the TV room is unavailable, and the facility staff like to get drunk. He asks this court to issue an order to provide him with medical care for his eyes and his broken foot and to release him.

The court has made every attempt to comprehend petitioner’s pleading and finds it must be dismissed. A small notation on the side of the petition is interpreted to read that all the respondents are at the address of petitioner’s facility in California. Therefore, as in his Western District Case, this court has “no jurisdiction to address his complaints.” *Kelso v. Miller*, No. 08-6174, slip op. at 2 (10th Cir. Dec. 16, 2008).

**ACCORDINGLY**, this action is dismissed pursuant to 28 U.S.C. § 1915(e) for lack of personal jurisdiction. *Id.*; *see also Trujillo v. Williams*, 465 F.3d 1216-17 (10th Cir. 2006).

DATED this 11<sup>th</sup> day of February, 2010.



Frank H. Seay  
United States District Judge