

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>DANIEL ARTHUR HELEVA,</b>	:	<b>CIVIL NO. 1:07-CV-1398</b>
	:	
<b>Petitioner</b>	:	<b>(Chief Judge Conner)</b>
	:	
v.	:	
	:	
<b>WARDEN MRS M. BROOKS, and</b>	:	
<b>PA STATE ATTORNEY GENERAL,</b>	:	
	:	
<b>Respondents</b>	:	

**ORDER**

AND NOW, this 19th day of June, 2018, upon consideration of petitioner’s motion (Doc. 93) “for Consideration & Judgment on Doc. #86”, and after review of Document 86 titled “Motion/ Brief in Support of Bail”, wherein petitioner moved for release from custody while he litigated his claims, (see Doc. 86), and the court noting that, as an inmate serving a criminal sentence, petitioner was required to make a demanding showing to justify release from custody pending litigation of his habeas corpus petition, and the court further noting that “a preliminary grant of bail is an exceptional form of relief in a habeas corpus proceeding,” Lucas v. Hadden, 790 F.2d 365, 367 (3d Cir. 1986), and it being well-settled that with respect to bail requests by inmate habeas petitioners, a habeas petitioner must: “(1) make out a clear case for habeas relief on the law and facts, or (2) establish that exceptional circumstances exist warranting special treatment, or both,” Id. (citations omitted), and the court finding that petitioner’s bail motion correctly

identified this exacting legal standard, but did not meet this demanding standard of proof justifying release pending the resolution of his habeas petition, it is hereby ORDERED that the motion (Doc. 93) is denied.<sup>1</sup>

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania

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<sup>1</sup> To the extent that petitioner seeks further review of the record, the court notes that the entire record was considered in ruling on the habeas petition.