

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

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|--------------------------|---|--------------------------|
| HENRY HODGES, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | NO. 3:01-cv-00624 |
| |) | JUDGE CRENSHAW |
| BRUCE WESTBROOKS, |) | |
| |) | |
| Respondent. |) | |

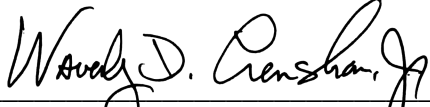
ORDER

Before the Court is Henry Hodges’ Emergency Motion for Temporary Restraining Order and Hearing to which the State of Tennessee has responded. (Doc. Nos. 344 and 345.) Mr. Hodges filed the Motion in a dismissed and closed 28 U.S.C. § 2254 case, which the Sixth Circuit affirmed, and the Supreme Court denied a writ for certiorari. (Doc. Nos. 333 and 337.) As the Sixth Circuit affirmed the district court’s dismissal of Mr. Hodges’ § 2254 petition, the Court does not have jurisdiction to hear the Motion.

Mr. Hodges does not request a writ of habeas corpus under § 2254, but instead complains about his prison conditions. (Doc. No. 344 at 3.) This is not Mr. Hodges’ first attempt to file a conditions of confinement lawsuit. His previous attempt was rejected by the Sixth Circuit, which gave him a roadmap on how to proceed to bring a conditions lawsuit. Hodges v. Bell, 170 Fed. Appx 389, 395 (6th Cir. 2013). See also Muhammed v. Close, 540 U.S. 749, 750 (2004) (“Challenges to the validity of any confinement or to particulars affecting its duration are the province of habeas corpus; requests for relief turning on circumstances of confinement may be presented in a § 1983 action.”)

Accordingly, the Motion is **DENIED WITHOUT PREJUDICE** for lack of subject-matter jurisdiction.

IT IS SO ORDERED.



WAVERLY D. CRENSHAW, JR.
UNITED STATES DISTRICT JUDGE