

1
2
3
4
5
6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON
8

9
10 MARCUS ORLANDO TAITE (a.k.a.
11 Tate, El-Bey-Tey),

12 Petitioner,

13 vs.

14 WILLIE THOMAS,

15 Respondent.
16

No. 13-CV-00351-JTR

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING ACTION FOR LACK
OF JURISDICTION

17 BEFORE THE COURT is Petitioner's Objection, ECF No. 8, to the Report
18 and Recommendation to dismiss this action for lack of jurisdiction, ECF No. 7.
19 Petitioner, a prisoner at the Bibb Correctional Facility in Brent, Alabama, is
20 proceeding *pro se* and *in forma pauperis*. In his Objection titled, "Notice of
21 Special Appearance Aboriginies," Mr. Taite once again has mistaken this United
22 States District Court for one located in the District of Columbia. He signs the
23 Objection, "Empire Emperor Marcus O. Tate, El-Bey-Tey."
24

25 Due to Petitioner's present location and the fact that he has never been
26 convicted in the United States District Court, Eastern District of Washington, this
27 Court has no jurisdiction to consider a habeas petition from him pursuant to 28
28 ORDDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING ACTION FOR LACK OF JURISDICTION -- 1

1 U.S.C. §§ 2241 and 2255. The Court agrees with the recommendation that the
2 interests of justice would not be served by transferring this action to any of the
3 United States District Courts in Alabama under 28 U.S.C. § 1631. Therefore, **IT**
4 **IS ORDERED** the Report and Recommendation, ECF No. 7, is **ADOPTED in its**
5 **entirety** and this action is **DIMISSED without prejudice** for lack of jurisdiction.

6 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
7 Order, enter judgment, forward copies to Petitioner at his last known address and
8 close this file. The Court further certifies that pursuant to 28 U.S.C. § 1915(a)(3),
9 an appeal from this decision could not be taken in good faith, and there is no basis
10 upon which to issue a certificate of appealability. 28 U.S.C. § 2253(c); Fed. R.App.
11 P. 22(b).

12 **DATED** this 16th day of December 2013.

13
14
15 *s/ Rosanna Malouf Peterson*
16 ROSANNA MALOUF PETERSON
17 Chief United States District Court Judge
18
19
20
21
22
23
24
25
26
27