

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JAN F. BECKER,

Petitioner,

v.

CIVIL ACTION NO. 2:07-cv-00578

WARDEN HUDSON, et al.,

Respondent.

ORDER

Pending before the court is the petitioner's Petition for a Writ of habeas Corpus [Docket 2] and Application to proceed *in forma pauperis* [Docket 1]. This action was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that the court dismiss this matter for lack of jurisdiction and because petitioner's petition is frivolous and fails to state a claim upon which relief can be granted [Docket 4]. The Magistrate Judge also recommended that the court deny as moot the petitioner's Application to proceed *in forma pauperis*.

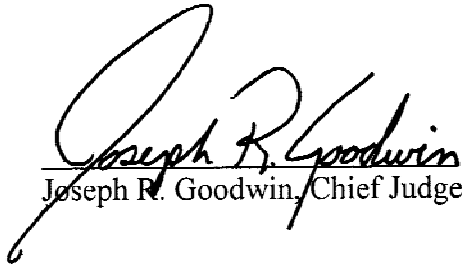
The petitioner filed a Notice of Appeal on October 22, 2007 [Docket 5]. In it, he states that "petitioner sees no reason to file objections in a conspiring court." The Notice further states that this court does not lack jurisdiction because "[p]etitioner is a United States [c]itizen with a [c]onstitutional [r]ight to habeas corpus" and that "[no] Ohio Federal Court can or will hear the case." Because the petitioner is acting *pro se*, the court deems these to be objections to the

Magistrate Judge's. The objections, however, are meritless. No other party has filed objections to the Magistrate Judge's findings and recommendation.

Accordingly, the court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge, and **DISMISSES** the petitioner's § 2254 petition [Docket 2] for lack of subject matter jurisdiction. The court further **DENIES** the petitioner's Application to Proceed *in forma pauperis* [Docket 1] as moot.

The court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Stanley, counsel of record, and any unrepresented party.

ENTER: September 2, 2009


Joseph R. Goodwin, Chief Judge