

**UNITED STATES COURT OF APPEALS**

**FEB 25 2000**

**TENTH CIRCUIT**

**PATRICK FISHER**  
Clerk

BRETT WRIGHT,

Petitioner-Appellant,

v.

MICHAEL A. LANSING,  
Commandant,

Respondent-Appellee.

No. 99-3335  
(D.C. No. 98-CV-3417)  
(Kansas)

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**ORDER AND JUDGMENT\***

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Before **SEYMOUR**, Chief Judge, **EBEL** and **BRISCOE**, Circuit Judges.

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After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The cause is therefore ordered submitted without oral argument.

Petitioner Brett Wright is an inmate in the United States Disciplinary

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\*This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, or collateral estoppel. The court generally disfavors the citation of orders and judgments; nevertheless, an order and judgment may be cited under the terms and conditions of 10th Cir. R. 36.3.

Barracks, at Fort Leavenworth, Kansas. Mr. Wright filed this habeas petition pursuant to 28 U.S.C. § 2241 challenging the military tribunal's personal jurisdiction over him. Finding that Mr. Wright's direct appeal was pending, the district court dismissed his petition for failure to exhaust military remedies. This appeal followed.

Mr. Wright's direct appeal of this conviction is still pending in the U.S. Army Court of Criminal Appeals, Dkt. No. Army 9700470. Mr. Wright asks this court to exercise its equitable jurisdiction and interrupt the military's judicial process, arguing anything less will result in his continued incarceration due to "administrative delays" in the military's appellate process. This court "must refrain from intervention," however, since Mr. Wright claims "no harm other than that attendant to resolution of his case in the military court system." *Schlesinger v. Councilman*, 420 U.S. 738, 758 (1975).

The District Court is **AFFIRMED**.

ENTERED FOR THE COURT

Stephanie K. Seymour  
Chief Judge