

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

TENTH CIRCUIT

October 13, 2011

Elisabeth A. Shumaker
Clerk of Court

ERIC GRIFFIN,

Petitioner - Appellant,

v.

DEPARTMENT OF JUSTICE, BOP
Regional District; CCA OF NEVADA,
JOHN DOES,

Respondents - Appellees.

No. 11-3243
(D.C. No. 5:11-CV-03095-RDR)
(D. Kan.)

ORDER AND JUDGMENT*

Before **BRISCOE**, Chief Judge, **MURPHY** and **MATHESON**, Circuit Judges.

Eric Griffin, a prisoner in Nevada appearing pro se, appeals the district court's dismissal of his petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The

*After examining appellant's brief and the 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) and 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

district court dismissed Mr. Griffin's petition after he failed to respond to its order to show that (1) the court had jurisdiction over his claims, and (2) he stated a valid claim for federal habeas corpus relief. We agree with the district court's dismissal for lack of jurisdiction and deny his appeal.

Mr. Griffin is currently incarcerated in the State of Nevada. He filed a petition for a writ of habeas corpus in the District of Kansas. He alleged, among other things, that respondents and their agents stole his outgoing mail en route to the district court to cover up his illegal detention; denied him medical attention for "a very complex matter," which he did not want part of the public record; denied him experts, witnesses, and the right to testify; failed to fully investigate his claims; held him in illegal detention; and tried to relocate him to avoid justice.

The district court found that Mr. Griffin's petition was deficient on multiple grounds, including: improper venue and jurisdiction; improperly named respondents; and failure to state a claim for federal habeas corpus relief. Its June 15, 2011 order gave Mr. Griffin 20 days to show that his petition should not be dismissed for lack of jurisdiction, improper venue, and failure to state a claim for federal habeas corpus relief. The district court also dismissed Mr. Griffin's outstanding motion to appoint counsel.

Mr. Griffin never responded to the district court's order. Instead, he submitted numerous unrelated filings— a notice of interlocutory appeal from the district court's denial of his motion to appoint counsel and two "emergency motions." Neither emergency motion addressed the deficiencies in his petition for habeas corpus. Because

of those deficiencies and his failure to cure them in response to the district court's June 15, 2011 order, the district court dismissed Mr. Griffin's petition for habeas corpus on July 21, 2011.

The district court properly dismissed Mr. Griffin's petition because the court did not have jurisdiction. "A petition under 28 U.S.C. § 2241 . . . must be filed in the district where the prisoner is confined." *Howard v. U.S. Bureau of Prisons*, 487 F.3d 808, 811 (10th Cir. 2007). Mr. Griffin filed his petition in the District of Kansas. But throughout the course of these proceedings, Mr. Griffin has been incarcerated in Nevada. Accordingly, the District of Kansas did not have jurisdiction. Mr. Griffin should have filed his petition in the District of Nevada. We need not reach the other bases upon which the district court dismissed Mr. Griffin's petition. We AFFIRM the district court and DISMISS Mr. Griffin's appeal.

The district court also stated "that any appeal is not taken in good faith, and any motion to proceed in forma pauperis on appeal is denied because this action is frivolous." *Griffin v. Dept. of Justice*, No. 11-3095-RDR, at 3 (D. Kan. July 21, 2011) (unpublished order). We agree with the district court and accordingly DENY Mr. Griffin's motion to proceed in forma pauperis.

ENTERED FOR THE COURT

Scott M. Matheson, Jr.
Circuit Judge