

December 20, 2011

UNITED STATES COURT OF APPEALS

Elisabeth A. Shumaker
Clerk of Court

TENTH CIRCUIT

ERIC GRIFFIN,

Petitioner - Appellant,

v.

FNU LNU, Regional Director of the
Board of Prisons; ERIC HOLDER;
DEPARTMENT OF JUSTICE;
BARACK HUSSEIN OBAMA;
SPRINGFIELD MISSOURI
FEDERAL COURT; JANE AND
JOHN DOES,

Respondents - Appellees.

No. 11-3181
(D.C. No. 5:11-CV-03064-RDR)
(D. Kan.)

ORDER DENYING REQUEST TO PROCEED IN FORMA PAUPERIS (IFP)

Before **KELLY, HARTZ**, and **HOLMES**, Circuit Judges.

Petitioner-Appellant Eric Griffin, a federal inmate proceeding pro se, seeks to appeal the denial of his § 2241 petition seeking release, money damages, and an investigation. On appeal, he claims that various named and unnamed officials stole his mail, causing him to default on a motion in the district court. Aplt. Br. 2. The underlying petition concerned a denial of due process and an allegedly illegal transfer from a federal prison in Missouri to one in Nevada. See R. 1, 6-8.

The district court denied Mr. Griffin IFP status on appeal, finding that Mr.

Griffin had not demonstrated a reasoned, non-frivolous argument on appeal. R. 50-51. We agree. Neither Missouri nor Nevada is within the Tenth Circuit's jurisdiction and nothing suggests that Kansas was the proper venue. A § 2241 habeas petition is only properly brought against the petitioner's current custodian. 28 U.S.C. § 2243; Harris v. Champion, 51 F.3d 901, 906 (10th Cir. 1995).

Accordingly, we DENY Mr. Griffin's motion to proceed IFP and DISMISS the appeal.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge