Case 4:14-cv-00513-Y Document 1 Filed 06/30/14 Page 1 of 3 PageID 1 UNITED STATES DISTRECT COURT NORTHERN DISTRICT OF YEXAS U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED ORIGINAL CTJ JUN 3 0 2014 12:16 pm BRAdLey Manning alkla CLERK, U.S. DISTRICT COURT Chelsea Manning, CASE NO. Plaintiff 4-14CV-513-Y V_{i} United States of America, Defendants HABEAS CORPUS Relief UNDER 28 USC 2241 Comes Now, Christopher Donnelly, 'Next Friend personal and legal representative For Bradley Manning Files this Habens Corpus Relief Seeking Immediate release From Prison for MR. Manning, 35 yrs is too much, Bradley Manning is currently mentally to competent taking hormone treatments, turning tucks, estrogen pills, Electrolisis cause he wants to be a Woman but the United States mistrents him in prison Subjecting him to violent Aggressive Ptsd military innates that could sape him, we read to protect manning and contour protection For his skin. Manning is also willing to cooperate with the Gout SKI.I Cause Julian Assange committeed treason Manusing Knows this Assange & Ed Snowden met on Match, cons and are interrule Sharing NSA Phone Sex secrets and Manning was preyed by them, Manning 13 totally INNocent and public on by the Gort Cause Le 15 Smill Shy meet glasses U.S. are Gullies, MUNNING IS also related to Peyton MUNNing, The WAR IN

Case 4:14-cv-00513-Y Document 1 Filed 06/30/14 Page 2 of 3 PageID 2

Jing is UNIONStitutional, Sadam Hussein was caught IN a Spilerhole Dec 13th Taylor Swifts Birthday and Kurl picarson shot Arapaboe His. next day 14th Sandy Hook, Norad's dones are invasion of privacy. Mitit Sectivology is gpsing Mannings Mind Following his novements controling his eternal organs. Fed trison is a gulag, Manning is depressed, if this count lets him out, Muning will not Join the Al-gaden Kids Mossay Forces be will be perceful, Live in the Rockies by 4 Creek his tues in creek Taphis head into coors and Colorado Smokes Marajuany Now so Manning will lay back Free his mind and writch chang/cheecky maries and Stay off computers, chem trails in our Skees. Manning Deserves a purple heart and Freedom of Gout- oppression. please please help him in his Habers Larpas 2246 MANNing is illegally held in lequenworth, wikileaks is unconstitutional

June 17, 2014

Ollo Garlin

Christopher Donnelly Next Friend Personal representative For Bradley Manning

Christopher Donnelly JK5048 301 INStitution DR Bellefonte, PA 16823

Case 4:14-cv-00513-Y Document 1 Filed 06/30/14 Page 3 of 3 PageID 3

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Case 4:14-cv-00513-Y Document 2 Filed 06/30/14 Page 1 of 2 PageID 4

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

Plaintiff

v.

Docket Number

Defendant

CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

In accordance with the provisions of 28 U.S.C. § 636(c), the parties to the above captioned civil matter hereby waive their right to proceed before a Judge of the United States District Court and consent to have a United States Magistrate Judge conduct any and all further proceedings in the above styled case (including the trial) and order entry of a final judgment.

Signature of Party or Counsel of Record

<u>Date</u>

NOTE: Return this form to the District Clerk only if it has been executed by all parties to the case.

ORDER OF REASSIGNMENT

IT IS HEREBY ORDERED that the above captioned matter be reassigned to the United States Magistrate Judge______ for the conduct of all further proceedings and the entry of judgment in accordance with 28 § 636(c) and the foregoing consent of the parties.

Date

UNITED STATES DISTRICT JUDGE

TRIALS BY THE UNITED STATES MAGISTRATE JUDGE

28 U.S.C. § 636(c)(1) and Fed. R. Civ. Proc 73(b) provide that upon the consent of all parties in a civil case, the district judge may enter an order reassigning the civil case to a magistrate judge. Miscellaneous Order No. 6 of the Northern District of Texas provides that it is the plaintiff's obligation to attach a copy of this notice to the complaint and summons, when served.

NOTICE OF RIGHT TO CONSENT TO PROCEED BEFORE A UNITED STATES MAGISTRATE JUDGE

You have the opportunity to consent to the exercise of civil jurisdiction over your case by a magistrate judge. If all parties involved in your case consent, the presiding district judge may enter an order of transfer, and reassign your case to a magistrate judge.

Your decision to consent, or not to consent, to the reassignment of your case to a magistrate judge is entirely voluntary and without any adverse consequences if you choose not to consent. Your decision should be communicated to the clerk of the district court using the form entitled: *Consent* to Proceed Before a United States Magistrate Judge ("consent form"). It is preferred that all parties submit the consent form jointly, but it may be submitted individually if necessary. A district judge or magistrate judge will not be informed of any party's response to this notice unless all parties have consented to the referral of the matter to a magistrate judge.

Even if all parties consent to the exercise of civil jurisdiction by a magistrate judge, the district judge may choose not to enter an order reassigning the case to a magistrate judge. However, if the district judge does enter an order of transfer, and reassigns your case to the magistrate judge, the magistrate judge is then authorized to conduct any or all proceedings in the case, including a jury or non–jury trial, and order the entry of a final judgment. Upon entry of judgment by the magistrate judge in any case referred under 28 U.S.C. § 636(c)(1), 28 U.S.C. § 636(c)(3) provides that "an aggrieved party may appeal directly to the appropriate United States court of appeals from the judgment of the magistrate judge in the same manner as an appeal from any other judgment of a district court."

If you wish to consent to proceed before a United States magistrate judge and are a registered electronic filer in the Northern District of Texas, you complete the online form available in the court's ECF system under Civil Events, Other Filings. Non–ECF filers may access the consent form on the court's website at www.txnd.uscourts.gov, Forms, Civil or request a paper copy from any of the clerk's seven divisional offices.

Case 4:14-cv-00513-Y Document 3 Filed 06/30/14 Page 1 of 1 PageID 6

U.S. District Court for the Northern District of Texas Instructions to a Prisoner *Pro Se* Plaintiff

Your suit <u>MANNING V. UNITED STATES OF AMERICA</u> was filed on $\frac{6/30}{2014}$ and has been assigned to the Honorable Terry R. Means, case number $\frac{4:14-cv-00513-Y}{2}$.

These instructions do not include everything you need to know to pursue your case, but following them may help you avoid common mistakes that can result in delay or other consequences–including dismissal of your case.

- 1. Filing Procedures The Local Civil Rules include the following requirements:
 - You must submit a judge's copy (a paper copy) of any document you file. If you want a file-stamped copy returned to you, submit the original, the judge's copy, and an extra copy to be returned to you, and provide a self-addressed, postage-paid envelope. The clerk cannot make an extra copy for you unless you first pay a fee of 50 cents per page.
 - You must type or legibly handwrite your documents on one side of numbered pages. Any exhibit or discovery material attached to the filing must be referred to in the filing. Any exhibit or discovery material not referred to in your filing or not attached to your filing may be returned to you.
- 2. Address Change You must notify the Court if your address changes, or your case may be dismissed. Promptly file a written change of address notice in your case.
- 3. **Rules to Follow** You must read and follow the Court's Local Civil Rules and the Federal Rules of Civil Procedure. Because the presiding judge is authorized to change how certain rules apply, you must read and follow the judge's orders in your case.
- 4. **Request for Attorney** In a civil case, you generally are not entitled to a court–appointed attorney to represent you without cost to you. If you request a court–appointed attorney, a judge will decide whether to appoint an attorney depending on the circumstances of the case. Even if the court decides to appoint an attorney, the attorney cannot be forced to accept the appointment. You may call the Lawyer Referral Service of the State Bar of Texas at (800) 252–9690 for assistance in securing the services of a private attorney to represent you for a fee.
- 5. **Initial Case Review** If the Court grants leave to proceed in forma pauperis, service of process will be withheld pending review of your complaint, and your complaint may be dismissed pursuant to 28 U.S.C. § 1915(e)(2).
- 6. **Copies to Defendant** After a defendant has been served your complaint, you must serve a copy of any other document you file upon the defendant's attorney (or upon the defendant, if the defendant is pro se). You must serve the opposing side by mail or another manner authorized by Fed. R. Civ. P. 5 (b)(2). All documents must contain a Certificate of Service reflecting that you served the opposing side. This is an example of language you may use:
 - I hereby certify that on (Date), I forwarded a copy of the foregoing document to _____, the attorney for (Defendant) at the address of

/Signature/

- 7. **Discovery Materials** Do not file discovery materials with the clerk. If you file a motion to compel discovery, you may attach only the portions of discovery that are relevant to your motion.
- 8. Questions About Your Case Do not write letters to the judge asking questions about your case all communication with the judge should be through filings. Do not write letters to the clerk asking for instructions on how to handle your case, since the clerk is prohibited from giving legal advice.

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

BRADLEY MANNING	S		
AKA CHELSEA MANNING,	§		
	§		
Petitioner,	§		
	§		
V.	§	Civil Action No.	4:14-CV-513-Y
	§		
UNITED STATES OF AMERICA,	§		
	§		
Respondent.	S		

OPINION AND ORDER

Before the Court is a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 filed by Christopher Donnelly purportedly as "next friend" on behalf of Petitioner, Bradley Manning, aka Chelsea Manning.

After having considered the pleadings and relief sought by Petitioner, the Court has concluded that the petition should be dismissed without prejudice for lack of jurisdiction.¹

I. Factual and Procedural History

Donnelly asserts Petitioner is in custody in Leavenworth, Kansas. However an inmate search on the Federal Bureau of Prisons website reflects zero results for search "Bradley Manning." See U.S. Department of Justice, Federal Bureau of Prisons/Inmate Locator, available at http://www.bop.gov. Therefore, Petitioner's whereabouts are unknown.

¹Connelly did not pay the \$5.00 filing fee or file an application for Petitioner to proceed in forma pauperis.

II. Discussion

Title 28, United State Code, section 2243 authorizes a district court to summarily dismiss a frivolous habeas-corpus petition prior to any answer or other pleading by the government. Therefore, no service has issued upon Respondent.

The only district that may consider a habeas corpus challenge pursuant to § 2241 is the district in which the prisoner is confined at the time the § 2241 petition is filed. *Rumsfeld v. Padilla*, 542 U.S. 426, 442-43 (2004); *Lee v. Wetzel*, 244 F.3d 370, 375 n.5 (5th Cir.2001). There is no evidence that Petitioner is confined in this district or that he was confined in this district when the petition was filed. Therefore, this Court lacks jurisdiction over the § 2241 petition.

Even if it were shown that Petitioner was incarcerated in this district at the time of filing, Donnelly has not established the propriety of his status as "next friend." The Supreme Court has spoken on the issue:

A "next friend" does not himself become a party to the habeas corpus action in which he participates, but simply pursues the cause on behalf of the detained person, who remains the real party in interest. Most important for present purposes, "next friend" standing is by no means granted automatically to whomever seeks to pursue an action on behalf of another. Decisions applying the habeas corpus statute have adhered to at least two firmly rooted prerequisites for "next friend" First, a "next friend" must provide an standing. adequate explanation-such as inaccessibility, mental incompetence, or other disability-why the real party in interest cannot appear on his own behalf to prosecute the Second, the "next friend" must be truly action.

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dedicated to the best interests of the person on whose behalf he seeks to litigate, and it has been further suggested that a "next friend" must have some significant relationship with the real party in interest. The burden is on the "next friend" clearly to establish the propriety of his status and thereby justify the jurisdiction of the court.

These limitations on the "next friend" doctrine are driven by the recognition that "[i]t was not intended that the writ of habeas corpus should be availed of, as matter of course, by intruders or uninvited meddlers, styling themselves next friends." Indeed, if there were no restriction on "next friend" standing in federal courts, the litigant asserting only a generalized interest in constitutional governance could circumvent the jurisdictional limits of Art. III simply by assuming the mantle of "next friend."

Whitmore v. Arkansas, 495 U.S. 149, 163-64 (1990) (citations omitted).

For the reasons discussed, the Court DISMISSES this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 filed by Christopher Donnelly as "next friend" on behalf of Bradley Manning, Petitioner, for lack of jurisdiction.

SIGNED July 22, 2014.

TERRY R. MEANS UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

BRADLEY MANNING	S		
AKA CHELSEA MANNING,	§		
	§		
Petitioner,	§		
	§		
V.	§	Civil Action No.	4:14-CV-513-Y
	§		
UNITED STATES OF AMERICA,	§		
	§		
Respondent.	§		

FINAL JUDGMENT

In accordance with its opinion and order signed this day, the Court DISMISSES the petition of Bradley Manning, aka Chelsea Manning, pursuant to 28 U.S.C. § 2241 in the above-captioned action for lack of jurisdiction.

SIGNED July 22, 2014.

TERRY R. MEANS UNITED STATES DISTRICT JUDGE