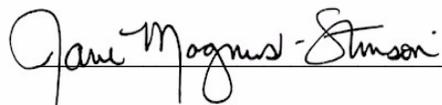


- The amended complaint referenced above purports to incorporate the original petition for writ of habeas corpus and to expand the matter to accommodate Neal's standing as a representative of the United States. Consistent with the foregoing, the portion of the amended complaint in which Neal purports to act on behalf of the United States is **ineffective and will be disregarded**.
- The petitioner's "demand for nisi" seeks relief which is not available in an action for a writ of habeas corpus. The "demand for nisi" is therefore **denied**.
- Through the document noted above, petitioner Neal seeks relief (immediate release from custody) not even sought in the initial petition for writ of habeas corpus. If the petitioner seeks his outright release from the custody of the Federal Bureau of Prisons and seeks to use 28 U.S.C. § 2241(c)(3) to do so he must do so through the filing of a new action.

Lest there be any doubt, the *Amended Complaint, Lodgment of Void Order and Demand for Nisi Ex Delicto Ex Contractu* filed on January 9, 2014, is frivolous. *Neitzke v. Williams*, 490 U.S. 319, 325 (1989)(an action or claim is frivolous if "it lacks an arguable basis either in law or in fact."); *Lee v. Clinton*, 209 F.3d 1025, 1026–27 (7th Cir. 2000)(frivolousness is an objective standard that refers to a claim that "no reasonable person could suppose to have any merit"). It is therefore in all particulars **DENIED**.

IT IS SO ORDERED.

Date: 01/16/2014



Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

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