

FILED

OCT 25 2007

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

Manuel Raul Reyo Pena Garcia Montero )  
a.k.a. Reyes Pena, )

Petitioner, )

v. )

Chief Justice Roberts *et al.* )

Respondents. )

Civil Action No. **07 1930**

MEMORANDUM OPINION

Petitioner, a federal detainee at the United States Penitentiary in Leavenworth, Kansas, petitions for a writ of *habeas corpus* under 28 U.S.C. § 2241. The Court is obligated either to issue the writ or to order respondent to show cause why the writ should not issue “unless it appears from the application that the applicant or person detained is not entitled thereto.” 28 U.S.C. § 2243. Petitioner names as respondents Chief Justice John Roberts, Jr. and “PRES USA.” The proper respondent in *habeas corpus* cases, however, is the petitioner’s warden or immediate custodian. *Rumsfeld v. Padilla*, 124 S.Ct. 2711 (2004); *Blair-Bey v. Quick*, 151 F.3d 1036, 1039 (D.C. Cir. 1998) (citing *Chatman-Bey v. Thornburgh*, 864 F.2d 804, 810 (D.C. Cir. 1988)). Besides, petitioner has stated no cogent facts or provided any grounds for issuing a *habeas corpus* petition. The case therefore will be dismissed by separate Order issued contemporaneously.

Date: October 12<sup>th</sup>, 2007

  
United States District Judge