

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JUL 29 2009

Clerk, U.S. District and
Bankruptcy Courts

Alfredo Meza,

Petitioner,

v.

United States Dep't of Justice et al.,

Respondents.

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Civil Action No. **09 1412**

MEMORANDUM OPINION

Plaintiff, a prisoner, has filed a pro se petition for a writ of habeas corpus and an application to proceed in forma pauperis. His application to proceed in forma pauperis will be granted, and the petition will be dismissed without prejudice.

The only subject matter mentioned in the petition for habeas corpus is a request for documents made under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 522. A petition for habeas corpus is not a viable vehicle for pursuing a FOIA action. A petition for habeas corpus may be brought only against the prisoner's immediate custodian, *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004), and only for the purpose of obtaining relief from an allegedly unlawful detention, *see* 28 U.S.C. § 2241(c)(3). The filing fee for a habeas corpus petition is \$5.00, and a proper habeas petition is not subject to the filing fee provisions of the Prison Litigation Reform Act of 1996 ("PLRA"). *Blair-Bey v. Quick*, 151 F.3d 1036, 1040 (D.C. Cir. 1998) ("[T]he PLRA does not apply to actions properly brought in habeas corpus.").

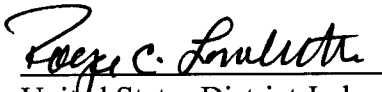
A civil action, initiated by filing a civil complaint, is the appropriate vehicle for use in FOIA cases. The fee for filing a civil action in this court is \$350.00, and that fee is subject to the

filing fee provisions of the PLRA, *see* 28 U.S.C. § 1915. Although a prisoner whose in forma pauperis application is granted may proceed without prepaying the entire \$350.00 filing fee, the prisoner will be assessed the entire \$350.00 in installments over time, collected from his prison trust fund account.

Because the petitioner has filed a petition for habeas corpus seeking a remedy that is not available in an action in habeas corpus, the petition will be dismissed without prejudice.

A separate order accompanies this memorandum opinion.

Date: 7/27/09


United States District Judge