

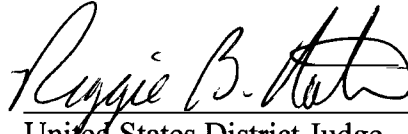
**Clerk, U.S. District and
Bankruptcy Courts**

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The general habeas statute applies only to persons “in custody.” 28 U.S.C. § 2241. Petitioner is not in custody, and his attempt to equate his situation as being in custody because he is barred from entering the United States cannot prevail. *See* Petition ¶ 5. Accordingly, this petition will be dismissed for failure to state a claim upon which relief may be granted.

A separate final order accompanies this memorandum opinion.

Date: *April 28, 2010*


United States District Judge