

constitutional rights in that a detainer that has been in effect against him since November of 1982 has prevented him from being eligible for work release or being able to post bond while in county jail.

A motion pursuant to Title 28 U.S.C. Sec.2255 must involve a claim that a sentence imposed by this Court was "imposed in violation of the Constitution or laws of the United States, or that the Court was without jurisdiction to impose such a sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack."

Plaintiff herein has not asked the Court to vacate, set aside, or correct his sentence. Rather he has raised issues which appear to the Court to require presentation in a petition under 28 U.S.C. Sec.2241 or 42 U.S.C. Sec.1983. A petition under Sec.2255 can test only the sentence imposed and not the sentence "as it is being executed." Ridenour v. United States, 446 F.2d 57 (9th Cir. 1971).

Since McGowan's motion lacks specific details as to detainers and parole commissions, the Court is unable to construe the motion as either a petition under 28 U.S.C. Sec.2241 or 42 U.S.C. Sec.1983, nor can it be determined whether this Court would have jurisdiction over the parties or entities, since they remain unnamed. Brown v. United States, 610 F.2d 672 (9th Cir. 1980).

Therefore, McGowan's motion under Title 28 U.S.C. Sec.2255 should be and hereby is overruled, and this action is dismissed in all respects.

It is so Ordered this 30th day of December, 1983.


H. DALE COOK
Chief Judge, U. S. District Court

United States District Court for

United States of America vs.

THEODORE F. SCHWERMER

THE NORTHERN DISTRICT OF OKLAHOMA

DEFENDANT

DOCKET NO. 83-CR-136-BT

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH	DAY	YEAR
12	29	83

COUNSEL

WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL Denzil Garrison, Retained Counsel
(Name of counsel)

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea, NOLO CONTENDERE, NOT GUILTY

FINDING & JUDGMENT

There being a finding/~~verdict~~ of NOT GUILTY. Defendant is discharged

GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 26, U.S.C., Section 7206(1) as charged in the one count indictment.

SENTENCE OR PROBATION ORDER

Count 1 - Three (3) years, on the condition that the defendant shall be confined in the Salvation Army Pre-release Center, Tulsa, OK for a period of six (6) months, to commence on March 6, 1984, the execution of the remainder of the sentence is hereby suspended and the defendant is placed on probation for a period of thirty (30) months, to commence upon release from confinement.

SPECIAL CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that the defendant is fined \$5,000.00 to be paid by May 5, 1984.

ADDITIONAL CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that the defendant may present himself by 11:00 a.m. on March 6, 1984 to the Salvation Army Center.

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

Approved as to Form:
Keith Ward
Keith Ward
Asst. U.S. Attorney

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

U.S. District Judge

U.S. Magistrate

Thomas R. Brett
THOMAS R. BRETT Date 12-29-83

DEFENDANT

Clenith June Ho es

NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO. 83-CR-153-01-E

JUDGMENT AND PROBATION/COMMITMENT ORDER

AO 245 (6/78)

In the presence of the attorney for the government the defendant appeared in person on this date

MONTH	DAY	YEAR
12	21	83

COUNSEL

WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL John Thomas Hall, Court Apptd. (Name of counsel)

FILED

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea, NOLO CONTENDERE, NOT GUILTY

DEC 21 1983

Jack C. Silver, Clerk U.S. DISTRICT COURT

FINDING & JUDGMENT

There being a finding/verdict of NOT GUILTY. Defendant is discharged GUILTY.

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Section 641, as charged in Count one of the Information.

SENTENCE OR PROBATION ORDER

The court asked whether defendant had anything to say why judgment should not be pronounced. Because no sufficient cause to the contrary was shown, or appeared to the court, the court adjudged the defendant guilty as charged and convicted and ordered that: The defendant is hereby committed to the custody of the Attorney General or his authorized representative for imprisonment for a period of

Count 1- The imposition of sentence is suspended and the defendant is hereby placed on probation for a period of six (6) months. It is further Ordered that defendant is fined \$100.00, to be paid in payments as set out by Probation Office prior to probation expiration.

SPECIAL CONDITIONS OF PROBATION

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed. The Court may change the conditions of probation, reduce or extend the period of probation, and at any time during the probation period or within a maximum probation period of five years permitted by law, may issue a warrant and revoke probation for a violation occurring during the probation period.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends,

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY U.S. District Judge

U.S. Magistrate

[Handwritten Signature]

Date 12/21/83

DEFENDANT

GEORGE MICHAEL SEABERRY

THE NORTHERN DISTRICT OF OKLAHOMA

DOCKET NO. 83-CR-139-BT

JUDGMENT AND PROBATION/COMMITMENT ORDER

In the presence of the attorney for the government the defendant appeared in person on this date

Table with columns: MONTH (12), DAY (20), YEAR (83)

COUNSEL

WITHOUT COUNSEL However the court advised defendant of right to counsel and asked whether defendant desired to have counsel appointed by the court and the defendant thereupon waived assistance of counsel.

WITH COUNSEL J. Richard Johnson, Appointed Counsel (Name of counsel)

FILED

PLEA

GUILTY, and the court being satisfied that there is a factual basis for the plea, NOLO CONTENDERE, NOT GUILTY

DEC 20 1983

FINDING & JUDGMENT

There being a finding of GUILTY. Defendant is discharged

Jack C. Silver, Clerk U. S. DISTRICT COURT

Defendant has been convicted as charged of the offense(s) of having violated Title 18, U.S.C., Section 472 as charged in the one count indictment.

SENTENCE OR PROBATION ORDER

Count 1 - Two (2) years, execution of sentence is suspended and the Defendant is placed on probation for a period of Two (2) years from this date.

SPECIAL CONDITIONS OF PROBATION

It is further ordered that the Defendant make restitution as directed by the U.S. Probation Office for the Northern District of Oklahoma.

ADDITIONAL CONDITIONS OF PROBATION

In addition to the special conditions of probation imposed above, it is hereby ordered that the general conditions of probation set out on the reverse side of this judgment be imposed.

COMMITMENT RECOMMENDATION

The court orders commitment to the custody of the Attorney General and recommends, Approved as to form: Ben F. Baker Asst. U.S. Attorney

It is ordered that the Clerk deliver a certified copy of this judgment and commitment to the U.S. Marshal or other qualified officer.

SIGNED BY

LXX U.S. District Judge

U.S. Magistrate

THOMAS R. BRETT

Date 12-20-83

Entered

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

FILED

DEC 13 1983

JACQUELYNNE M. CLERK
U.S. DISTRICT COURT

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	
)	
ANGEL HANLON,)	
)	
Defendant.)	No. 83-CR-133-B

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby dismisses the Indictment against Angel Hanlon, defendant.

FRANK KEATING
United States Attorney

Brett F. Belsner

Assistant United States Attorney

Leave of court is granted for the filing of the foregoing dismissal.

S/ THOMAS R. BRETT

United States District Judge

Date:

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 DAVID GENE BRADSHAW,)
)
 Defendant.) 83-CR-3-C ✓

FILED

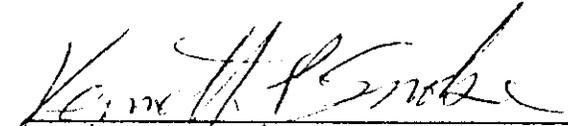
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Jack C. Silver, Clerk
U. S. DISTRICT COURT

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of court endorsed hereon, the United States Attorney for the Northern District of Oklahoma hereby dismisses the Indictment against DAVID GENE BRADSHAW, defendant.

FRANK KEATING
United States Attorney


Assistant United States Attorney

Leave of court is granted for the filing of the foregoing dismissal.


United States District Judge

Date: *December 7, 1983*