

As previously explained, Mr. Swallers joined in this action for habeas corpus relief as a co-petitioner but failed to coherently allege that he could satisfy the “in custody” requirement of the federal habeas statute. He has not remedied this deficiency, and for this reason the action is **dismissed for lack of jurisdiction** as to any claim for habeas corpus relief asserted by Mr. Swallers.

II.

Mr. Swallers also asserted a claim for habeas corpus relief on behalf of his minor daughter, Abigail Swallers. His “next friend” claim was dismissed on October 20, 2015. In that ruling, however, Mr. Swallers was given 60 days in which to “report his efforts and intentions to the Court” regarding obtaining counsel to seek to reinstate the “next friend” claim. That time has not yet expired, so it remains to be determined whether Mr. Swallers will obtain counsel so that he can proceed on behalf of Abigail Swallers, at least as to representation.

III.

Resolution of the claim asserted by Mr. Swallers has not resulted in the resolution of all claims by and against all parties. No partial final judgment shall issue at this time as to the resolution of the claim for habeas corpus relief asserted by Mr. Swallers in Part I of this Entry.

IT IS SO ORDERED.

Date: 12/7/2015



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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