

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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RONALD F. RIECKHOFF,

Petitioner,

v.

WARDEN JEFFREY PUGH,

Respondent.

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ORDER

11-cv-803-wmc

Petitioner Ronald F. Rieckhoff is an inmate at the Stanley Correctional Institution. He has filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, challenging multiple state court convictions. Petitioner has paid the five dollar filing fee and he also has filed motions for a protective order, dkt. 3, to supplement the petition, dkt. 7, to allow exhibits, dkt. 9, to consolidate with another case, dkt. 20, to join additional parties, dkt. 22, to amend the petition, dkt. 24, and for a temporary injunction, dkt. 25.

This case is currently before the court for preliminary review under Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. I note at the outset that neither the original petition nor any of the proposed amendments substantially follow the form appended to the Rules Governing Section 2254 Cases. This violates Rule 2(d), which requires that a petitioner must either follow the petition form appended to the Rules or use a petition form that is available without charge from the clerk's office.

Also, petitioner purports to challenge in a single petition "convictions in Adams, Outagamie, Portage, Washington, Waushara and Wood Counties." This violates Rule 2(e), which requires that requests for habeas relief from "judgments of more than one state court" must be filed in separate petitions. This means that a habeas petitioner may not challenge more than one court's convictions in a single petition. The petition in this case challenges multiple

convictions from different state courts. Because the pending petition does not comply with the Rules, I am directing petitioner to file a new petition in which he challenges just one state court judgment. Petitioner must use one of the approved forms to prepare his new petition.

Already, petitioner has filed more than one request for leave to amend, supplement, and submit exhibits to his pleadings. These additional filings do not cure any of the defects in the original petition because it is unclear whether any of these proposed amendments or supplements relate to petitioner's request for relief from a particular state court conviction under 28 U.S.C. § 2254. Because I have directed petitioner to file a petition that follows the Rules Governing Section 2254 Cases, his pending motions for leave to amend or supplement the petition can be denied as unnecessary. Petitioner may include this new material in his new petition, but *only if* it is appropriate to include this material under the Rules that direct how to file a proper § 2254 petition..

Petitioner also has moved to join or consolidate this habeas corpus proceeding with a civil rights case that petitioner has filed in this district. *See Rieckhoff v. Abrahamson, et al.*, Case No. 12-cv-90-wmc (W.D. Wis.). In that civil rights case, plaintiff seeks to pursue claims under the Racketeer Influenced and Corrupt Organizations ("RICO") statute against 89 different defendants. Petitioner also has filed a motion to join additional parties, including United States Attorney General Eric Holder, to address petitioner's allegations that the RICO defendants have engaged in obstruction of justice, bribery of witnesses, and extortion committed by judges, prosecutors, attorneys, law enforcement officers and private citizens in connection with his criminal proceedings.

Fed. R. Civ. P. 42(a) states that consolidation of cases may be appropriate where actions involve a “common question of law or fact.” Consolidation is not appropriate here because petitioner’s two cases fall under different statutory schemes: federal habeas corpus proceedings are governed by the legal standard and procedures found in 28 U.S.C. § 2254, whereas civil rights claims are governed by 42 U.S.C. § 1983, as well as the filing-fee and preliminary screening provisions of the Prison Litigation Reform Act (the “PLRA”), 28 U.S.C. § 1915A. Also, joinder of parties is not appropriate because, under Rule 2(a) of the Rules Governing Section 2254 Cases, the only appropriate respondent in a habeas proceeding is the state officer who has custody of petitioner. the motions to consolidate cases and join parties must be denied.

Next, petitioner has filed a motion for a “protective order,” which requests a transfer from the Stanley Correctional Institution to a federal facility because he believes that the allegations asserted in his civil rights complaint have placed his life in jeopardy. It is well established that a prisoner has no constitutional right to imprisonment in the facility of his choice. *See Meachum v. Fano*, 427 U.S. 214, 224 (1976). Rather, the authority to transfer prisoners from one facility to another is vested with the discretion of prison officials. *See Beltran v. Smith*, 458 U.S. 1303, 1305 (1982); *see also Olim v. Wakinekona*, 461 U.S. 234, 246-48 (1983) (observing that there are statutes and interstate agreements recognizing that it is necessary, under circumstances not present in this case, to transfer inmates to prisons in other states). Absent a constitutional violation or an abuse of discretion concerning these matters, judicial interference is not warranted. *See Bell v. Wolfish*, 441 U.S. 520, 560 (1979). Petitioner’s one-page motion, which requests “protective custody,” does not clearly demonstrate a threat of harm or establish

authority for the transfer that petitioner proposes. Accordingly, the motion for protective custody will be denied.

Finally, petitioner has filed a motion for a temporary restraining order or preliminary injunction against prison officials who have reportedly deducted funds from petitioner's inmate trust account to pay court costs and restitution. Liberally construed, petitioner's request for relief from the obligation to pay restitution relates to the validity of one or more of petitioner's underlying criminal convictions. Assuming that the type of relief requested is available in this federal habeas corpus proceeding, the motion is premature at this point. I will stay a ruling on this motion and leave it for the district judge assigned to this case to resolve at the time he reviews petitioner's properly-filed petition.

#### ORDER

##### IT IS ORDERED THAT:

1. Petitioner's motions for placement in protective custody, dkt. 3, to supplement the petition, dkt. 7, to allow exhibits, dkt. 9, to consolidate other cases, dkt. 20, to join additional parties, dkt. 22, and to amend the petition, dkt. 24, are DENIED.

2. Petitioner's motion for a temporary or preliminary injunction, dkt. 25, is STAYED.

3. Petitioner is directed to file an amended petition within thirty days of the date of this order, that is, by August 2, 2012. The clerk's office shall provide the petitioner with an approved form (titled "Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody"). Petitioner must comply with the Rules Governing Section 2254 Cases in

the United States District Courts by using the attached form or other similar form available at the prison library.

4. If petitioner does not respond to this order as directed, then this case may be dismissed for want of prosecution without further notice under Fed. R. Civ. P. 41(b).

Entered this 3<sup>rd</sup> day of July, 2012.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge