

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES : CRIMINAL ACTION
 :
 v. :
 :
 MICHAEL McCUNE :
 : No. 93-138-23

MEMORANDUM ORDER

J. M. KELLY, J.

AUGUST 8, 2002

Presently before the Court is a Motion Seeking an Administrative Order filed by pro se Petitioner, Michael McCune. The Petitioner, currently housed in the restricted housing unit, complains of restricted access to the law library and seeks to have this Court "compel the superintendent/his staff to provide [him] with access to [his] personal property, so that [he] may obtain [his] trial transcripts, and all other legal materials that [he] may need in order to present [his] evidence, case law, statutes to the court" in this matter. On June 12, 2002, this Court dismissed Petitioner's Motion for an Evidentiary Hearing.¹ In essence, the Petitioner sought to revive his habeas corpus petition² to set aside his conviction by claiming that he had new

¹ One June 17, 2002, this Court received a one page handwritten document entitled "Brief in Support of Motion for an Evidentiary Hearing. Although this document was filed after this Court denied the Motion for an Evidentiary Hearing, the Court, giving pro se petitioner much leeway, has reviewed the contents and determined that the arguments contained therein do not alter the Court's decision in any way.

² The petition, filed on December 9, 1996, was denied on May 21, 1997.

evidence. Because Petitioner did not first seek permission from the appeals court before filing a successive petition as required under the Anti-Terrorism and Effective Death Penalty Act of 1996, 42 U.S.C. § 2255 (1994) (amended in 1996), this Court denied Petitioner's Motion for an evidentiary hearing.

Although the current motion lacks specificity, the Petitioner's complaint about the lack of access to the law library seems to be related to his Motion for an Evidentiary Hearing, which this Court already denied. As such, if Petitioner is seeking review of this Court's decision denying his Motion for an Evidentiary Hearing, his only recourse is to look to the United States Court of Appeals for the Third Circuit.³ Accordingly, the Petitioner's Motion Seeking An Administrative Order (Doc. 1229) is **DENIED** and this case is **CLOSED**.

BY THE COURT:

JAMES MCGIRR KELLY, J.

³ If on the other hand, Petitioner is complaining about the general conditions of imprisonment, Petitioner must first exhaust his administrative remedies before filing any legal action. See Prison Litigation Reform Act, 42 U.S.C. § 1997e(a) (1994); Porter v. Nussle, 534 U.S. 516 (2002).