

SUPREME COURT OF ARKANSAS

No. 09-458

MICHAEL F. JACKSON
APPELLANT

v.

LARRY NORRIS, DIRECTOR
ARKANSAS DEPARTMENT OF
CORRECTION
APPELLEE

Opinion Delivered July 27, 2011

PRO SE APPEAL FROM JACKSON
COUNTY CIRCUIT COURT, CV-
2007-103, HON. HAROLD S. ERWIN,
JUDGE

APPEAL DISMISSED.

PER CURIAM

Appellant Michael F. Jackson, who was incarcerated in the Grimes Unit of the Arkansas Department of Correction in Jackson County, filed a pro se petition for a writ of habeas corpus in the Jackson County Circuit Court. The circuit court entered an order denying the requested relief on March 18, 2009, and appellant lodged an appeal from that order in this court. After appellant lodged his appeal with this court, he was transferred to the Randall L. Williams Correctional Facility, which is in Jefferson County. We must dismiss the appeal as appellant is no longer in custody in Jackson County, and, thus, the Jackson County Circuit Court can no longer grant the relief requested. *Buckhanna v. Hobbs*, 2011 Ark. 119 (per curiam).

Any petition for writ of habeas corpus to effect the release of a prisoner is properly addressed to the circuit court in the county in which the prisoner is held in custody, unless

Cite as 2011 Ark. 298

the petition is filed pursuant to Act 1780 of 2001, codified at Arkansas Code Annotated §§ 16-112-201 to -208 (Repl. 2006), in which case the petition is properly filed pursuant to Arkansas Code Annotated § 16-112-201(a) in the court where the judgment of conviction was entered. Appellant, who is incarcerated by virtue of a judgment of conviction entered in the Mississippi County Circuit Court, did not invoke Act 1780.

A circuit court does not have jurisdiction to release on a writ of habeas corpus a prisoner not in custody in that court's jurisdiction. *Waller v. Norris*, 2011 Ark. 168 (per curiam); *Hill v. State*, 2010 Ark. 102 (per curiam); *Pardue v. State*, 338 Ark. 606, 999 S.W.2d 198 (1999) (per curiam) (citing *Mackey v. Lockhart*, 307 Ark. 321, 819 S.W.2d 702 (1991)). Even if appellant's petition had merit and the circuit court erred in dismissing it, appellant cannot now prevail on appeal. *Waller*, 2011 Ark. 168. Accordingly, the appeal is dismissed.

Appeal dismissed.