

 ORIGINAL

FILED

10/19/2022

Bowen Greenwood
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: OP 22-0566

IN THE SUPREME COURT OF THE STATE OF MONTANA

OP 22-0566

TIMOTHY QUIGG,

Petitioner,

v.

JAMES SALMONSEN, Warden,
Montana State Prison,

Respondent.

ORDER

Representing himself, Timothy Quigg has filed a “Petition Under 28 U.S.C. § 2254 for Writ of Habeas Corpus By a Person In State Custody (Convicted Montana Prisoners Only)” with this Court. Quigg appears to challenge a 2018 felony driving under the influence of alcohol conviction and the five-year sentence imposed in the Yellowstone County District Court.

Quigg’s Petition is on a form used by the U.S. Federal District Courts, not this Court. This Court has no jurisdiction over federal law. We observe, however, that Quigg has used this Court’s Certificate of Service form, accompanying his Petition. In the future, Quigg may either seek relief here with this Court’s form, or he may send his document to the appropriate federal court in Montana. Therefore,

IT IS ORDERED that Quigg’s filed “Petition” is DISMISSED without prejudice.

IT IS FURTHER ORDERED that this matter is CLOSED as of this Order’s date.

The Clerk of the Supreme Court is directed to provide a copy of this Order to counsel of record and to Timothy Quigg along with a copy of this Court’s Instructions and Petition for Writ of Habeas Corpus Form.

DATED this 18th day of October, 2022.



Chief Justice

Louise McLean

Angela Heston

Peter Foster

John M. Smith

Justices