
No. 95-3972

Danny D. Goodroad,	*
	*
Appellant,	*
	*
v.	*
	* Appeal from the United States
	* District Court for the
Lynn Delano, Commissioner of	* District of Minnesota.
Corrections; Les Hawkey,	*
Minnehaha County Sheriff;	* [UNPUBLISHED]
Hubert H. Humphrey, III,	*
Minnesota Attorney General,	*
	*
Appellees.	*

Submitted: October 25, 1996

Filed: November 29, 1996

Before BOWMAN, HEANEY, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

The District Court¹ dismissed Danny D. Goodroad's 28 U.S.C. § 2254 petition, on the ground that Goodroad was not "in custody" within the meaning of § 2254 at the time he filed his petition. Goodroad appeals the dismissal order.

Having considered the case, we conclude that the District Court's dismissal of Goodroad's petition for lack of subject matter jurisdiction was correct. No error of law appears, and an opinion

¹The Honorable Michael J. Davis, United States District Judge for the District of Minnesota, adopting the report and recommendation of the Honorable John M. Mason, United States Magistrate Judge for the District of Minnesota.

by this Court would add nothing new to the existing body of law on the "in custody" requirement. Accordingly, we affirm the order of the District Court without further discussion.

AFFIRMED. See 8th Cir. R. 47B.

A true copy.

Attest:

CLERK, U. S. COURT OF APPEALS, EIGHTH CIRCUIT.