

In Re Huntington, Petitioner

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Court : US Supreme Court

Decided On : Nov-03-1890

Appeal No. : 137 U.S. 63

Appellant : In Re Huntington, Petitioner

Judgement :

In re Huntington, Petitioner - 137 U.S. 63 (1890)

U.S. Supreme Court In re Huntington, Petitioner, 137 U.S. 63 (1890)

In re Huntington, Petitioner, 137 U.S. 63 (1890)

Original, not numbered

Submitted October 27, 1890

Decided November 3, 1890

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ORIGINAL

SYLLABUS

On the authority of *Ex Parte Mirzan*, [119 U. S. 584](#) , the Court denies a petition for leave to file a petition for a writ of habeas corpus.

This was a petition for leave to file a petition for a writ of habeas corpus. The petition sought to be filed set forth the issue of a writ of *dedimus potestatem* by the Circuit Court of the United States for the District of Colorado to take the evidence of the petitioner, a resident of New York, to be used in a suit pending in that court, the execution of the writ by the commissioner named in it, the refusal of the witness to answer some of the questions propounded by the commissioner, an order of the court that he appear before the commissioner within thirty days and answer the unanswered questions or otherwise be deemed in contempt and stand committed till he should answer, his appearance and continued refusal to

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answer, and that the marshal of the Southern District of New York had taken him into custody for the contempt, and continued to hold him. The petitioner prayed for a writ of habeas corpus to that officer from this Court.

PER CURIAM. Petitioner alleges that he is detained by the United States Marshal for the Southern District of New York, by virtue of an order purporting to be an order of the Circuit Court of the United States for the District of Colorado. The motion for leave to file a petition for the writ of habeas corpus is denied upon the authority of *Ex Parte Mirzan*, [119 U. S. 584](#) , and cases cited.