

Ex Parte Tracy

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Court : US Supreme Court

Decided On : Apr-28-1919

Appeal No. : 249 U.S. 551

Appellant : Ex Parte Tracy

Judgement :

Ex Parte Tracy - 249 U.S. 551 (1919)

U.S. Supreme Court Ex Parte Tracy, 249 U.S. 551 (1919)

Ex Parte Tracy

No. ____, Original

Motion submitted April 21, 1919

Decided April 28, 1919

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MOTION FOR LEAVE TO RENEW APPLICATION FOR WRIT OF

HABEAS CORPUS IN THE DISTRICT COURT OF THE UNITED STATES

FOR THE DISTRICT OF COLORADO

SYLLABUS

Where this Court denies leave to file a petition for habeas corpus because of the competency of other courts to afford the relief ought, a motion for leave to apply for the writ to the district court will be denied as superfluous.

Motion denied.

The case is stated in the opinion.

PER CURIAM.

For the purpose of redressing assumed violations of the Constitution and laws of the United States by means of habeas corpus, the jurisdiction of other competent courts to afford relief may not be passed by and the original jurisdiction of this Court be invoked in the absence of exceptional conditions justifying such course.

Matters v. Ryan, ante, [249 U. S. 375](#) .

When leave to file the petition for habeas corpus was previously denied without a suggestion as to the existence of any exceptional condition which would have justified a contrary view, such refusal presumably was based on the existence of the right to seek, if desired, other and appropriate sources of relief. From this it follows that, although we pass the application of the doctrine that the refusal of habeas corpus is not the thing adjudged precluding a subsequent granting of such writ

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upon the same facts, nevertheless there is here no reason to grant the order prayed, since the previous order rested upon the right and duty to petition for relief, if habeas corpus was desired, to other and appropriate sources of judicial power.

No reason therefore exists for granting the motion, and, to avoid any implication of a necessity which does not obtain, the motion is denied.

