

for the Northern District of West Virginia at Clarksburg. See *Bernard E. Smith v. Warden Joe Driver*, Civil Case No. 1:07-CV-00109-IMK-JES (“the West Virginia proceeding”).² In short, the petitioner has engaged in what appears to be astonishing forum shopping and/or “double-dipping,” by filing two identical § 2241 petitions in two different United States District Courts.

DISCUSSION

The Petitioner is confined in the USP-Hazelton, which is located in Bruceton Mills, West Virginia. The Petitioner’s current custodian is Joe Driver, the warden of USP-Hazelton. The petitioner is not incarcerated in any prison located in the Eastern District of Kentucky.

A petition for writ of habeas corpus pursuant to 28 U.S.C. §2241 must be brought in the district where a petitioner is incarcerated and may only challenge execution of sentence, such as the computation of parole or sentence credits. See *Bradshaw v. Story*, 86 F.3d 164, 166 (10th Cir. 1996); *United States v. Jalili*, 925 F.2d 889, 893 (6th Cir.1991); *DeSimone v. Lacy*, 805 F.2d 321, 323 (8th Cir. 986) (per curiam); *Cohen v. United States*, 593 F.2d 766, 770-71 (6th Cir. 1979); (per curiam); *Wright v. United States Bd. of Parole*, 557 F.2d 74, 77 (6th Cir.1977).

As the petitioner is confined in another jurisdiction, it is in that jurisdiction, the Northern District of West Virginia, where he must pursue his contemporaneously filed §2241 petition. This Court lacks jurisdiction to address his sentence-credit challenges under §2241. Since the petitioner has already filed an identical § 2241 petition in Northern District of West Virginia, there is no need

² In fact, in his filings in this Court, it appears that the petitioner simply submitted the exact same documents which he filed in the West Virginia proceeding. It appears that in preparing his submissions to be filed in this Court, the petitioner merely “whited-out” or physically removed references to the “Northern District of West Virginia” in the caption of the documents and substituted them (either with paper pasting or white-out liquid) with references to the “United States District Court for the Eastern District of Kentucky.”

for this Court to transfer this action [07-CV-287-KKC] to that jurisdiction. The instant petition will be dismissed without prejudice.

CONCLUSION

Accordingly, it is **ORDERED** as follows:

(1) The §2241 petition for habeas corpus [Record No. 2] is **DENIED**, and this action is **DISMISSED WITHOUT PREJUDICE**, *sua sponte*, from the docket of the Court.

(2) Judgment shall be entered contemporaneously with this Memorandum Opinion and Order in favor of the named Respondent.

Dated this 22nd day of August, 2007.



Signed By:

Karen K. Caldwell *KKC*

United States District Judge