

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GREGORY MOORE,

Petitioner,

Case Number: 06-CV-13872

v.

HON. BERNARD A. FRIEDMAN

C. EICHENLAUB,

Respondent.

**OPINION AND ORDER SUMMARILY DISMISSING PETITION FOR
WRIT OF HABEAS CORPUS WITHOUT PREJUDICE**

Petitioner Gregory Moore has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner, who is currently incarcerated at the Federal Correctional Institution (FCI) in Milan, Michigan, alleges that officials at FCI-Milan have denied him necessary medical treatment. This claim is not properly filed under 28 U.S.C. § 2241. The Court, therefore, shall dismiss the petition without prejudice.

Section 2241 is a “vehicle not for challenging prison conditions, but for challenging matters concerning the execution of a sentence such as the computation of good-time credits.” Sullivan v. United States, 90 Fed. Appx. 862, 863 (6th Cir. 2004). *See also* Glaus v. Anderson, 408 F.3d 382, 386 (7th Cir. 2005) (holding that a prisoner challenging the conditions under which he is being held may not seek relief under the habeas statute). A complaint alleging a defendant, acting under color of federal law, violated a prisoner’s rights under the Constitution is properly filed pursuant to the doctrine announced in Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971) (holding that suits for damages may be

maintained against federal officials for violations of the Constitution). Because Petitioner is challenging the conditions of his confinement, rather than the execution of his sentence, the Court shall summarily dismiss the petition.

For the foregoing reasons, **IT IS ORDERED** that the petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**.

s/Bernard A. Friedman
BERNARD A. FRIEDMAN
CHIEF UNITED STATES DISTRICT JUDGE

Dated: September 14, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 14, 2006, by electronic and/or ordinary mail.

s/Carol Mullins
Case Manager