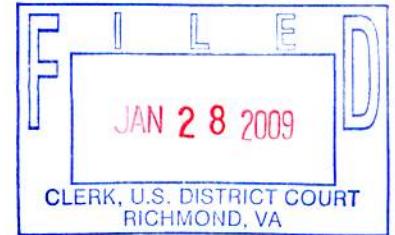


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



DAVID MEYERS,

Petitioner,

v.

Civil Action No. **3:08cv581**

MICHAEL B. MUKASEY, et al.,

Respondents.

MEMORANDUM OPINION

Petitioner, a federal pretrial detainee, submitted this petition under 28 U.S.C. § 2241. Petitioner is currently awaiting trial on federal criminal charges before this Court. *United States v. Meyers*, No. 3:07cr85. By Order entered on September 24, 2008, the Court sent Petitioner back to the Federal Correctional Institute in Butner, North Carolina, to assess and treat Petitioner's mental condition pursuant to 18 U.S.C. § 4241(d)(2). In his current petition, Petitioner asserts that he is entitled to habeas relief because, *inter alia*, his current detention is a product of a conspiracy between the prosecutor, his defense counsel, and the Court.

“[W]here habeas claims raised by a pretrial detainee would be dispositive of the pending federal criminal charges, principles of federal court efficiency require that the petitioner exhaust those claims by presenting them at trial and then on direct appeal.” *Moore v. United States*, 875 F. Supp. 620, 624 (D. Neb. 1994) ; *accord Kotmair v. United States*, 143 F. Supp. 2d 532, 534 (E.D.N.C. 2001); *cf. Fassler v. United States*, 858 F.2d 1016, 1018-19 (5th Cir. 1988) (holding defendants cannot use § 2241 to challenge pretrial detention orders that can be challenged under

