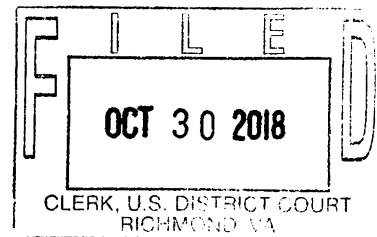


**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**



MICHAEL B. O'CONNOR, )  
)  
Petitioner, )  
)  
v. )  
)  
UNITED STATES OF AMERICA, )  
)  
Respondent. )

Civil Action No. 3:18CV297-HEH

**MEMORANDUM OPINION**  
**(Denying Motion for Reconsideration)**

Petitioner, a federal inmate proceeding *pro se*, submitted a letter. (ECF No. 1.)

Given the content of this document, the Court found it was appropriate to give Petitioner the opportunity to pursue this action as a petition for a writ of habeas corpus under 28 U.S.C. § 2241. *See Rivenbark v. Virginia*, 305 F. App'x 144, 145 (4th Cir. 2008).

By Memorandum Order entered on May 10, 2018, the Court directed Petitioner, within twenty (20) days of the date of entry thereof, to complete and return the standardized form for filing a § 2241 petition. The Court warned Petitioner that the failure to comply with the terms of the May 10, 2018 Memorandum Order would result in the dismissal of the action. *See Fed. R. Civ. P. 41(b)*. More than twenty (20) days elapsed and Petitioner had not completed and returned the standardized form for filing a § 2241 petition or otherwise responded to the May 10, 2018 Memorandum Order. Accordingly, by Memorandum Order entered on June 25, 2018, the Court dismissed the action.

On July 26, 2018, the Court received a Notice of Appeal and Motion for Reconsideration from Petitioner. Petitioner contends that he wishes to pursue the action as a 28 U.S.C. § 2241, but he did not have time to complete the § 2241 form.

Accordingly, by Memorandum Order entered on August 16, 2018, the Court directed the Clerk to mail Petitioner the form for filing a § 2241 petition. The Court informed Petitioner that if he wished to pursue this action as a 28 U.S.C. § 2241, he must complete and return the form to the Court within thirty (30) days of the date of entry thereof. Over sixty (60) days have elapsed since the entry of the August 16, 2018 Memorandum Order and Petitioner has not returned a § 2241 form to the Court. Accordingly, Petitioner's Motion for Reconsideration (ECF No. 7) will be denied. If Petitioner submits the completed § 2241 form in the future it will be processed as a new action.

An appropriate Order will accompany this Memorandum Opinion.



/s/

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Henry E. Hudson  
Senior United States District Judge

Date: Oct 30, 2018  
Richmond, Virginia