

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
EASTERN DIVISION**

POSHUA MEON EDWARDS,)	
)	
Petitioner,)	
)	
v.)	Case No. 1:22-cv-01476-LCB-SGC
)	
MARCUS RYAN RUMSEY, <i>et al.</i> ,)	
)	
Respondents.)	

MEMORANDUM OPINION & ORDER

The magistrate judge entered a report on March 8, 2023, recommending the complaint filed under 42 U.S.C. § 1983 by Poshua Meon Edwards be recharacterized as a petition for a writ of habeas corpus filed under 28 U.S.C. § 2241 and that the § 2241 petition be dismissed without prejudice for failure to exhaust state remedies. (Doc. 9). The magistrate judge further recommended all but \$5.00 of the \$24.24 paid toward the filing fee for this action be refunded to the payor. (Doc. 9). Finally, the magistrate judge recommended Edwards's request for appointment of counsel be denied. (Doc. 9). Although the magistrate judge advised Edwards of his right to file written objections within 14 days, the court has not received any objections.

After careful consideration of the record in this case and the magistrate judge's report, the court **ADOPTS** the report and **ACCEPTS** the recommendation. Consistent with that recommendation, the court **DIRECTS** the Clerk to

recharacterize the § 1983 complaint as a § 2241 petition and finds the § 2241 petition is due to be dismissed without prejudice for failure to exhaust state remedies. Edwards's request for appointment of counsel (Doc. 7 at 1) is **DENIED**. All but \$5.00 of the \$24.24 paid toward the filing fee for this action is due to be refunded to the payor. The court has reason to believe someone other than Edwards paid the \$24.24. (*See* Doc. 5 at 1; Doc. 7 at 1). The court **DIRECTS** Edwards to inform the court of the identity of the person who paid the \$24.24 within 14 calendar days from the entry date of this order and, if that person is not Edwards, the payor's mailing address.

A final judgment will be entered.

DONE and **ORDERED** April 5, 2023.



LILES C. BURKE
UNITED STATES DISTRICT JUDGE