

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

PATRICK O. IVORY
Reg. #12205-042

PETITIONER

V.

2:09-cv-00039-JJV

T. C. OUTLAW,
Warden, FCI-Forrest City

RESPONDENT

ORDER

Pending is Petitioner's Motion to Dismiss his Petition for Writ of Habeas Corpus Without Prejudice (Doc. No. 14). Without objection, Petitioner's Motion to Dismiss is GRANTED.

On March 30, 2009, Petitioner filed a Petition for Writ of Habeas Corpus (Doc. No. 2) and a Brief in Support (Doc. No. 3) alleging he was entitled to 246 days of jail-time credit. Respondent filed a response on June 2, 2009 (Doc. No. 9), arguing that Petitioner's motion was meritless and that he had failed to exhaust his administrative remedies, which is a prerequisite to filing a 28 U.S.C. § 2241 Petition for relief. Respondent stated the failure to exhaust administrative remedies should lead to a dismissal of the Petitioner's § 2241 Petition. On September 2, 2009, Petitioner filed a Motion to Dismiss his Petition for Writ of Habeas Corpus Without Prejudice (Doc. No. 14), acknowledging he had not fully exhausted all required administrative remedies before filing the instant § 2241 petition.

Accordingly, Petitioner's Motion to Dismiss (Doc. No. 14) is GRANTED. Petitioner's Petition for Writ of Habeas Corpus is DISMISSED without prejudice.

IT IS SO ORDERED this 8th day of September, 2009.



JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE