

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

ERIC RODNEY HILL,

Petitioner,

v.

Case No. 5:09-cv-304-Oc-17GRJ

WARDEN, FCC COLEMAN - USP I,

Respondent.

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**ORDER DISMISSING CASE**

Petitioner Eric Rodney Hill initiated this *pro se* case by filing a document styled as a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and a motion for leave to proceed as a pauper in the District Court for the District of Columbia. Docs. 1 and 2. Because Petitioner is an inmate at FCC Coleman - USP I, within this Division, the case was transferred to this Court. Doc. 3.

Petitioner asserts that prison officials have denied him medical care for certain chronic conditions, and have denied him a transfer to a medical facility. Doc. 1. It is clear from the face of the Petition that Petitioner is challenging the conditions of his confinement rather than the execution of his sentence. Thus, Petitioner's claims are not cognizable under § 2241. Petitioner should have filed this case pursuant to a civil rights complaint.<sup>1</sup>

Further, Petitioner has incurred three or more "strikes" under 28 U.S.C. § 1915(g). See Hill v. Veach, case number 2:07-cv-223, Doc. 6 (S.D. Ind. 9/7/07)

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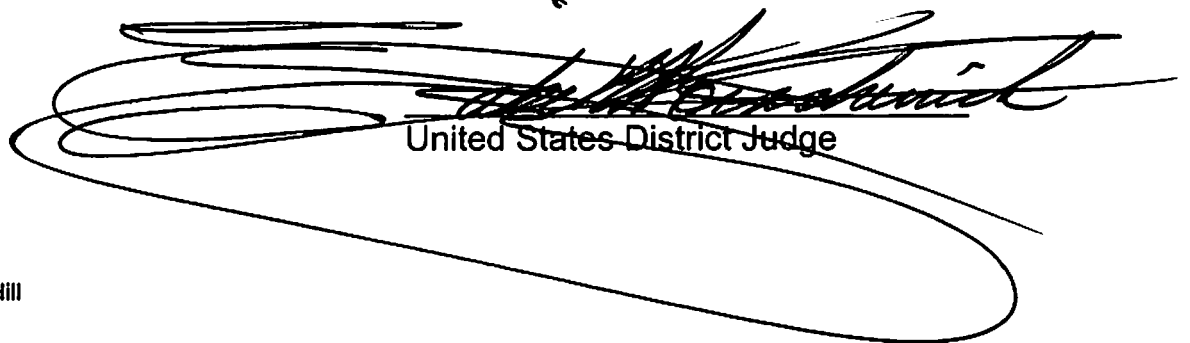
<sup>1</sup> See Preiser v. Rodriguez, 411 U.S. 475, 500 (1973) (habeas corpus is appropriate remedy when Petitioner seeks immediate or speedier release from custody) .

(denying Petitioner leave to proceed as a pauper pursuant to three-strikes bar and citing previous strikes). Accordingly, Petitioner is barred from proceeding as a pauper in a civil action unless he is under "imminent danger of serious physical injury." 28 U.S.C. § 1915(g). This Court has previously denied Petitioner leave to proceed as a pauper in a civil rights case, and dismissed his complaint for abuse of the judicial process for failure to disclose his prior strikes. Hill v. Middlebrooks, case number 08-cv-479, Doc. 4 (M.D. Fla. 11/25/08).

Based upon a review of the Petition, construed as a civil rights complaint, the Court is not persuaded that Petitioner is under imminent danger of serious physical injury. Accordingly, the Court concludes that Petitioner is barred by the three-strikes provision of 28 U.S.C. § 1915(g) from bringing this case as a pauper. This case is hereby **DISMISSED** without prejudice. The Clerk is directed to enter judgment accordingly, terminate any pending motions, and close the file.

**IT IS SO ORDERED.**

**DONE AND ORDERED** at Ocala, Florida, this 34<sup>th</sup> day of July 2009.



United States District Judge

c: Eric Rodney Hill