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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JEREMY HOWARD,

Petitioner,

No. 2:11-cv-3091 DAD (HC)

vs.

MICHAEL BABCOCK, Warden, et al.,

Respondents.

ORDER

_____ /

Petitioner, a federal prisoner proceeding pro se, has filed an initial pleading styled as a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The habeas petition before this court attacks a judgment of conviction issued by the United States District Court for the Middle District of Florida. As a general rule, a challenge to a federal criminal conviction must be filed as a motion to vacate, set aside, or correct a sentence pursuant to 28 U.S.C. § 2255 and brought in the court where the conviction was suffered. See Hernandez v. Campbell, 204 F.3d 861, 864 (9th Cir. 2000). With exceptions not applicable here, petitions brought pursuant to 28 U.S.C. § 2241 are generally available only to “challenge the manner, location, or conditions of” the execution of a federal prison sentence. Id. The instant action is therefore construed as a motion to vacate, set aside, or correct a sentence

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1 imposed by the United States District Court for the Middle District of Florida. As such, it should
2 have been filed in that court.

3 Accordingly, in the furtherance of justice, IT IS HEREBY ORDERED that this
4 matter is transferred to the United States District Court for the Middle District of Florida, Tampa
5 Division.

6 DATED: December 2, 2011.

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9 _____
10 DALE A. DROZD
11 UNITED STATES MAGISTRATE JUDGE

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