

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION

JACK ANDREW PHILLIPS,

Petitioner,

v.

CASE NO. 5:11-cv-134-SPM-GRJ

WARDEN,
FCC MARIANNA¹,

Respondent.

_____ /

ORDER

This matter is before the Court on Doc. 1, a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner is a prisoner in the custody of the Bureau of Prisons. Petitioner paid the filing fee as ordered and also submitted four service copies of the Petition.

The Court has reviewed the petition, and pursuant to § 2243, the United States Attorney will be required to file an answer or other appropriate response. Petitioner shall be afforded an opportunity to file a reply. Upon receipt and review of the Respondent's response, any exhibits, and Petitioner's reply, the Court will determine whether an evidentiary hearing is warranted. See Rule 8, Habeas Rules. If the Court determines that an evidentiary hearing is not warranted under Rule 8 and the record is sufficient to resolve the petition, then the Court will recommend disposition of the Petition on the basis of the record presented. See *id.*

¹The petition erroneously names the United States of America, FCI Marianna and the Federal Bureau of Prisons's Designation and Sentence Computation Center as Respondents. The correct respondent in a habeas corpus case is Petitioner's custodian, the warden of the prison where he is incarcerated.

Accordingly, it is **ORDERED**:

1. The Clerk shall furnish by certified mail, return receipt requested, a copy of the § 2241 petition, Doc. 1, and this order to the Respondent, the United States Attorney General, and the United States Attorney for this district, who shall file an answer on or before **July 25, 2011**.
2. Petitioner shall have until **August 24, 2011**, to file a reply, if desired.

DONE AND ORDERED this 25th day of May 2011.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge