

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION

WILSON MADRID,)
Petitioner,)
v.) CV 322-106
WARDEN, USP ATLANTA,)
Respondent.¹)

ORDER

Based on Respondent's recent notice of Petitioner's address change following closure of McRae Correctional Facility ("McRae"), it appears the motion to dismiss was served on Petitioner at McRae on October 6, 2022, a week after he departed for a new prison on September 29, 2022. (Doc. no. 7, p. 10; doc. no. 11.) Because Petitioner did not receive the motion to dismiss prior to the Court issuing a recommendation that Respondent's dispositive motion be granted, out of an abundance of caution the Court **VACATES** the November 2nd Report and Recommendation (Doc. no. 8.)

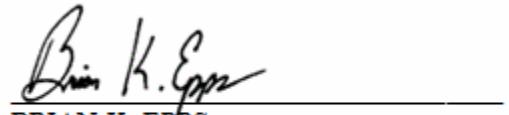
The Court **DIRECTS** Respondent's counsel to re-serve the motion to dismiss on Petitioner at his new address. Petitioner shall have through and including December 9, 2022,

¹The Court **DIRECTS** the **CLERK**, to update the docket in accordance with the above caption to reflect the warden at Petitioner's current prison as the Respondent. See Rumsfeld v. Padilla, 542 U.S. 426, 434-35 (2004) (explaining proper respondent in § 2241 case is warden of institution where the petitioner is confined).

to file a response. If Petitioner fails to respond, the Court will deem the motion unopposed.

See Loc. R. 7.5.

SO ORDERED this 18th day of November, 2022, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA