



resources. Thomas v. Arn, 728 F.2d 813 (6th Cir. 1984), aff'd, 474 U.S. 140 (1985);  
Howard v. Secretary of Health and Human Services, 932 F.2d 505 (6th Cir. 1991);  
United States v. Walters, 638 F.2d 947 (6th Cir.1981).

Therefore, Magistrate Judge Limbert's Report and Recommendation is **ADOPTED** and Petitioner's Writ of *Habeas Corpus* (Dkt.#1) is construed as a 28 U.S.C. § 2255 motion. As a 28 U.S.C. § 2255 motion is properly filed in the jurisdiction where Petitioner was sentenced, the instant case is transferred to the United States District Court, Southern District of Georgia. Respondent's Motion to Dismiss is denied.

Furthermore, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. 28 U.S.C. §2253(c); Fed. R. App. P. 22(b).

**IT IS SO ORDERED.**

**Dated: 7/10/2017**

*S/Christopher A. Boyko*  
**CHRISTOPHER A. BOYKO**  
**UNITED STATES DISTRICT JUDGE**