

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

JOEL FIGUERAS,

Petitioner,

v.

TRACY JOHNS, Warden, et al.,

Respondents.

CIVIL ACTION NO.: 5:17-cv-12

ORDER

Petitioner, an inmate at D. Ray James Correctional Facility in Folkston, Georgia, has filed an action under 28 U.S.C. § 2241. The record reflects that Petitioner has paid the \$5.00 filing fee.

Brett R. Rinehart, Field Office Director, ICE and the Attorney General of the United States are not proper parties to Petitioner's action. The only proper respondent is the inmate's immediate custodian—the warden of the facility where the inmate is confined. See Rumsfeld v. Padilla, 542 U.S. 426, 434–35 (2004). As Tracy Johns is the Warden at D. Ray James Correctional Facility, the Clerk is **AUTHORIZED** and **DIRECTED** to terminate all other Respondents.

The United States Marshal is hereby directed to serve a copy of the Petition and a copy of this Order upon: (1) the Attorney General of the United States; (2) the properly named Respondent; and (3) the civil process clerk at the office of the United States Attorney for the Southern District of Georgia. See Fed. R. Civ. P. 4(i). Pursuant to Rule 4(i) of the Federal Rules of Civil Procedure, personal service shall be perfected upon the United States Attorney.

Pursuant to Federal Rule of Civil Procedure 4(i) service may be perfected upon the Attorney General of the United States and upon Respondent by registered or certified mail.

Respondent is hereby ordered to show cause, in writing, why the Petitioner's writ should not be granted by filing a return and response with the Clerk of Court, Post Office Box 1636, Brunswick, Georgia, 31521, **within twenty (21) days** of the date of service.

While this action is pending, Petitioner shall immediately inform this Court in writing of any change of address. Failure to do so will result in dismissal of this case, without prejudice.

SO ORDERED, this 2nd day of February, 2017.



R. STAN BAKER
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA