

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

VICKIE K. LIND, No. 22087-045,

Petitioner,

vs.

UNITED STATES OF AMERICA,

Respondents.

No. 13-cv-00143-DRH

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Petitioner Vickie K. Lind is currently incarcerated in the Greenville Federal Correctional Institution, located within the Southern District of Illinois. On February 11, 2013, she filed this habeas corpus action pursuant to 28 U.S.C. § 2241, naming the United States of America as the sole respondent (Doc. 1). Lind challenges the prison administration's failure to effect the Second Chance Act of 2007, 18 U.S.C. § 3624(c), and place her in community confinement during the final twelve months of her sentence, and/or on home confinement for the final ten percent of her sentence. Lind's scheduled release date is November 12, 2013.

The proper respondent in a Section 2241 petition is the petitioner's jailer, not the United States (the respondent that Lind names in her petition). *Rumsfeld v. Padilla*, 542 U.S. 426, 442, 447 (2004); *Kholyavskiy v. Achim*, 443 F.3d 946, 948–49 (7th Cir. 2006). Therefore, this Court lacks subject matter jurisdiction.

IT IS THEREFORE ORDERED that this action is **DISMISSED without prejudice** and with leave to amend the petition to name the correct respondent and to redraft the petition accordingly.

IT IS FURTHER ORDERED that within fourteen (14) days from the date of this Order (on or before March 19, 2013), Petitioner Lind shall file an amended petition naming the proper respondent. Should the amended petition not conform to these requirements, it shall be stricken and the entire case may be dismissed. Failure to file an amended complaint may result in dismissal of this case pursuant to Federal Rule of Civil Procedure 41(b).

The Court will not accept piecemeal amendments to the original petition. Thus, the amended petition must stand on its own, without reference to any previous pleading, and Petitioner must re-file any exhibits she wishes the Court to consider along with the amended petition.

In order to assist Petitioner in preparing her amended petition, the Clerk is **DIRECTED** to mail Lind a blank "Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241" form.

IT IS SO ORDERED.

Signed this 4th day of March 2013.

 Digitally signed by
David R. Herndon
Date: 2013.03.04
16:58:57 -06'00'



**Chief Judge
United States District Court**