

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

**BRIAN T. WILLIAMS,
No. 11751-026,**

Petitioner,

vs.

CIVIL NO. 13-cv-00226-DRH

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Petitioner Brian T. Williams is a federal inmate currently incarcerated in the Federal Correctional Institution at Greenville, Illinois. On March 7, 2013, Williams filed this habeas corpus action pursuant to 28 U.S.C. § 2241, Williams is collaterally attacking his conviction and sentence for conspiracy to distribute cocaine base. *See United States of America v. Williams*, No. 99-cr-40059-MMM (C.D.Ill. Sep. 22, 2000).

The petition names the United States of America as the sole respondent (Doc. 1). The proper respondent in a Section 2241 petition is the petitioner's jailer, not the United States. *Rumsfeld v. Padilla*, 542 U.S. 426, 442, 447 (2004); *Kholiyavskiy v. Achim*, 443 F.3d 946, 948–49 (7th Cir. 2006). Therefore, this Court lacks subject matter jurisdiction over this action.

On March 18, 2013, petitioner Williams moved for leave to amend his petition to include exhibits (Doc. 4). The proposed amended petition names the

United States of America as the sole respondent. Consequently, the proposed amendment would not cure the jurisdictional problem.

IT IS THEREFORE ORDERED that petitioner's motion to amend the petition (Doc. 4) is **DENIED**. 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 April 16, 2013), petitioner Williams 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 he wishes the Court to consider along with the amended petition.

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

IT IS SO ORDERED.

Signed this 2nd day of April, 2013.

Digitally signed by
David R. Herndon
Date: 2013.04.02
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**Chief Judge
United States District Court**