IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

CLIFFORD T. PROFIT,

Petitioner,

v. **CASE NO. 12-3110-RDR**

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM AND ORDER

This matter is a petition for habeas filed pursuant to 28 U.S.C. § 2241 by a prisoner confined in the Federal Correctional Institution, Yazoo City, Mississippi. Petitioner proceeds pro se and seeks placement in a community confinement setting.

The present petition is markedly similar to the petitioner's earlier filing, Case No. 12-3063-RDR, *Profit v. United States of America*, also an application for habeas corpus relief filed pursuant to § 2241. The court dismissed that matter without prejudice, noting that an action under §2241 must be filed in the district of a petitioner's confinement, *see Haugh v. Booker*, 210 F.3d 1147, 1149 (10th Cir. 2000), and that petitioner had an appeal pending following the October 2011 revocation of his supervised release, at which time he was ordered confined for 24 months. The court notes that the appeal since has been dismissed due to petitioner's failure to file a timely notice of appeal.

The court has considered the record and finds no basis to allow this matter to proceed. Petitioner has not presented this matter in the proper federal district, despite the court's earlier order explaining that deficiency, nor does he present any legal argument of substance. Rather, he states that he will be better able to seek employment and meet financial and family obligations if he is placed in a community setting. His request is, at best, an argument for the exercise of discretion on his behalf, but such an argument does not warrant the transfer of this matter to the appropriate jurisdiction.

Petitioner may commence a new action in the district where he is confined, but the present action must be dismissed for lack of jurisdiction.

IT IS, THEREFORE, BY THE COURT ORDERED this matter is dismissed without prejudice.

A copy of this order shall be transmitted to the petitioner.

IT IS SO ORDERED.

DATED: This 7th day of June, 2012, at Topeka, Kansas.

S/ Richard D. Rogers
RICHARD D. ROGERS
United States Senior District Judge