

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF KENTUCKY  
SOUTHERN DIVISION  
LONDON

GEORGE MOONEYHAM,

)

Petitioner,

)

Civil No. 12-176-GFVT

)

)

v.

)

**MEMORANDUM OPINION**

)

J.C. HOLLAND,

)

**&**

)

**ORDER**

Respondent.

)

\*\*\*\* \* \* \* \* \*

George Mooneyham is an inmate incarcerated at the Federal Correctional Institution in Manchester, Kentucky. Proceeding without counsel, on August 22, 2012, Mooneyham filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging disciplinary convictions which resulted in the forfeiture of good time credits. [R. 1] In a motion accompanying his petition, Mooneyham acknowledged that he had not exhausted his administrative remedies prior to filing suit, but asked that he be exempted from that requirement for various reasons, including his approaching release date. [R. 5]

On August 31, 2012, the Court entered an Order denying Mooneyham’s request to be excused from the exhaustion requirement, noting that the documents he had filed into the record were incomplete, failed to suggest or demonstrate that the BOP had impermissibly extended the response times permitted by regulation, and did not provide the Court with an adequate evidentiary foundation upon which to evaluate his claims for relief. [R. 8] The Order directed Mooneyham to file the necessary documents into the record within 21 days in order to determine

whether or not he had exhausted his administrative remedies or whether there was a legally-sufficient basis upon which to excuse him from doing so.

On September 28, 2012, Mooneyham advised the Court that he had been released to a halfway house in Knoxville, Tennessee. [R. 9] He has not, however, made any response to the Court's order regarding documentation of his efforts to exhaust administrative remedies. *Fazzini v. Northeast Ohio. Corr. Center*, 473 F.3d 229, 232 (6th Cir. 2006).

Accordingly, **IT IS ORDERED** that:

1. Mooneyham's petition for a writ of habeas corpus [R. 1] is **DENIED WITHOUT PREJUDICE**.
2. The Court will enter an appropriate judgment.
3. This matter is **STRICKEN** from the active docket.

This 15<sup>th</sup> Day of April, 2013.



**Signed By:**

Gregory F. Van Tatenhove

A handwritten signature in black ink, appearing to read "G. Van Tatenhove", written over a horizontal line.

**United States District Judge**