

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
SOUTHERN DIVISION
(at London)

HORACE S. CAUDLE,)	
)	
Petitioner,)	Civil Action No. 6: 17-187-DCR
)	
v.)	
)	
J. RAY ORMOND, Warden,)	MEMORANDUM ORDER
)	
Respondent.)	

*** *** *** ***

Inmate Horace S. Caudle is confined at the United States Penitentiary – McCreary in Pine Knot, Kentucky. Proceeding without an attorney, Caudle filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 in which he seeks to challenge the validity of his underlying sentence. [Record No. 1]. Caudle then moved for leave to file a supplemental memorandum in support of his petition. [Record No. 3].

This Court granted Caudle’s motion for leave and indicated that, subject to intervening orders, he may file a supplemental memorandum within 30 days. [Record No. 4]. That additional time has passed, but Caudle has not filed his supplemental memorandum. More importantly, Caudle recently filed a motion to vacate his sentence pursuant to 28 U.S.C. § 2255, and that motion remains pending before the United States District Court for the Northern District of Alabama. *See Horace Caudle v. United States*, No. 5:17-cv-8019-RDP (N.D. Ala. 2017). Since a § 2255 motion is the correct mechanism for a federal prisoner to challenge his sentence, Caudle’s § 2241 petition will be denied.

Simply put, Caudle must fully litigate his § 2255 motion in the Northern District of Alabama before he may even attempt to seek relief from this Court pursuant to § 2241. *See White v. Grondolsky*, No. 6:06-cv-309-DCR, 2006 WL 2385358, *3 (E.D. Ky. 2006) (“[T]he Petitioner must first pursue his trial court remedy under § 2255 before he may seek relief under § 2241.”). Accordingly, it is hereby

ORDERED as follows:

1. Caudle’s petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 [Record No. 1] is **DENIED**, without prejudice.

2. This action is **STRICKEN** from the Court’s docket.

This 28th day of August, 2017.



Signed By:

Danny C. Reeves DCR

United States District Judge