

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JAMES WILLIAM WATERS,

*

Petitioner

*

v

* Civil Action No. DKC-14-3115
(Related Case Criminal No. DKC-11-305)

UNITED STATES OF AMERICA,

*

Respondent

*

MEMORANDUM OPINION

James William Waters, the self-represented Petitioner, is a prisoner confined to the custody of the Federal Bureau of Prisons (“BOP”) and currently assigned to the Federal Correctional Institution Petersburg Medium (“FCI Petersburg Medium”) in Petersburg, Virginia. Waters filed a Motion for Sentencing Review Pursuant to 18 U.S.C. §3742 alleging the BOP improperly denied him a sentence reduction following his participation in the Residential Drug Abuse Program. *See United States v. Waters*, Criminal No. DKC-11-305 (ECF No. 45). The court construed the Motion as a Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. §2241 (*see Waters v. United States*, Civil Action No. DKC-14-3115 (ECF No. 2)) and directed the Government to Respond. (ECF No. 3).

Respondent has filed a Motion to Dismiss for Improper Venue or in the alterative, Motion to Transfer. (ECF No. 3). Waters opposes the motion. (ECF No. 5). Respondent has replied. (ECF No. 6). No hearing is necessary to resolve the matter. *See* Local Rule 105.6 (D. Md.). For the reasons that follow, the Motion to Dismiss shall be denied and the Motion to Transfer granted. The petition shall be transferred to the Eastern District of Virginia.

Waters incorrectly maintains that it was error for the court to re-construe his motion without providing him notice of its intention to do so. (ECF No. 5). He relies on *Castro v. United States*, 540 U.S. 375 (2003), arguing that it was improper for the court to re-characterize

