

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DERRICK L. HILLS,

Petitioner,

Case Number 4:16-cv-11798
Hon. Terrence G. Berg

v.

UNITED STATES MARSHALS
SERVICE,

Respondent.

ORDER DISMISSING PETITION WITHOUT PREJUDICE

Petitioner Derrick L. Hills was previously a federal prisoner confined at the Loretto Federal Correctional Institution. Petitioner was convicted in the United States District Court for the Eastern District of Michigan of five counts of contempt of court for violating five bankruptcy court orders in violation of 18 U.S.C. § 401(3). The Court sentenced Petitioner to 46 months of imprisonment and imposed a \$25,000 fine. *See United States v. Hills*, No. 14-1361, at *2 (6th Cir. Nov. 5, 2015).

The instant habeas petition, filed under 28 U.S.C. § 2241, asserts that his detention is illegal because the judgment of sentence's return was not signed by a United States Marshal or properly filed with the Court, rendering his imprisonment unconstitutional. This Court previously denied the habeas petition, holding that Petitioner has failed to establish that his remedy under 28 U.S.C. § 2255 was inadequate or ineffective (Dkt. 5). The Sixth Circuit vacated this order, and remanded the petition to this Court to determine whether to: (1) transfer the petition to the Western

District of Pennsylvania (where Petitioner was then being held); or (2) dismiss the action without prejudice and allow Petitioner to refile his petition in the appropriate district court (Dkt. 18). It appears that Petitioner has been released from custody, and is now residing in Detroit, Michigan (Dkt. 24, change of address). As such, it would be inappropriate at this time to transfer this matter to the Western District of Pennsylvania. Thus, Court finds that it is most appropriate to dismiss this action without prejudice, and allow Petitioner to refile his petition in the appropriate district court, if he still intends to raise the claims presented in the petition.

Therefore, for the reasons set forth above, this action is hereby **DISMISSED WITHOUT PREJUDICE.**

SO ORDERED.

s/Terrence G. Berg
TERRENCE G. BERG
UNITED STATES DISTRICT JUDGE

Dated: July 24, 2017

Certificate of Service

I hereby certify that this Order was electronically submitted on July 24, 2017, using the CM/ECF system, which will send notification to each party.

s/A. Chubb
Case Manager