

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ORLANDO LEWAYNE PILCHER,

Petitioner,

No. CIV S-11-3044 CKD P

vs.

ALLEN PEPPER, JR., et al.,

Respondents.

ORDER

\_\_\_\_\_ /

Petitioner, a prisoner at Federal Correctional Institution, Herlong, has filed a document the court construes as a motion attacking his sentence under 28 U.S.C. § 2255.<sup>1</sup> Such a motion must be brought in the court that imposed the sentence under attack. 28 U.S.C. § 2254(a). Petitioner’s sentence was imposed in the United States District Court for the Northern District of Mississippi. Therefore, the court will order this action transferred there.

////

////

////

\_\_\_\_\_

<sup>1</sup> The document submitted is actually a completed Eastern District of California form-application for writ of habeas corpus under 28 U.S.C. § 2241. However, petitioner challenges his federal conviction and, thus, the imposition of his sentence. Such a challenge generally must be made through a § 2255 motion rather than a § 2241 petition for writ of habeas corpus (a proper § 2241 petition generally challenges the execution, rather than the imposition of a federal sentence). Hernandez v. Campbell, 204 F.3d 861, 864 (9th Cir. 2000).

1                   Accordingly, IT IS HEREBY ORDERED that this action is transferred to the  
2 United States District Court for the Northern District of Mississippi.

3                   Dated: December 1, 2011

4                     
5                   \_\_\_\_\_  
6                   CAROLYN K. DELANEY  
7                   UNITED STATES MAGISTRATE JUDGE

8                   l/mp  
9                   milc3044.108

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26