

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION

JOHN LANCE HART,)
Petitioner,)
UNITED STATES OF AMERICA,)
Respondent,)
No. 1:15CV118 SNLJ

MEMORANDUM AND ORDER

Upon initial review of this case, the Court finds that it should be administratively terminated and that Hart's petition for writ of habeas corpus should be filed in the criminal action as a motion to modify sentence pursuant to 18 U.S.C. § 3582(c).

Petitioner filed this action in the Eastern District of Arkansas as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. That court found that petitioner's sole relief lied in 28 U.S.C. § 2255, and it transferred the case to this Court.

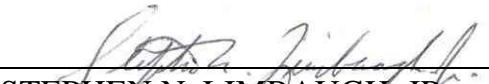
The government filed a brief in the Arkansas court. It explained that petitioner was asking the court to reduce his sentence based on Amendment 782 of the United States Guidelines.

This Court agrees with the government. Petitioner's claim for relief is based on Amendment 782. He simply appears to be confused about the appropriate remedy. The Court therefore construes the petition as a motion to modify.

Accordingly,

IT IS HEREBY ORDERED that the Clerk is directed to administratively terminate this case and to file the petition for writ of habeas corpus as a motion to modify sentence pursuant to 18 U.S.C. § 3582(c) in United States v. Hart, 1:09CR45 SNLJ.

Dated this 31st day of August, 2015.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE