UNITED STATES DISTRICT COURT DISTRICT OF NEW JERSEY CAMDEN VICINAGE

James L. Roudabush, Jr. :

CIV. ACTION NO. 15-5944(RMB)

Petitioner,

:

v. : OPINION

:

J. Hollingsworth, Warden

et al.,

:

Respondents. :

BUMB, U.S. District Judge

Plaintiff, a prisoner confined at FCI Fort Dix, submitted a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241. (ECF No. 1.) Petitioner alleged his life is in danger because he is not receiving medical attention for his volatile blood pressure. (Id.) Petitioner further alleged Defendants refuse him medical care in retaliation for exercise of his constitutional rights. (Id.) Most of Petitioner's claims in this rambling petition appear to be duplicative of claims being litigated in Plaintiff's pending Bivens action, Roudabush v. Bittinger, 15cv3185(RMB).

¹ At issue in Plaintiff's Bivens' action is whether he may file a civil rights case in forma pauperis under the imminent danger exception to the three strikes provision of the Prison Litigation Reform Act, 28 U.S.C. § 1915(g).

"When the challenge is to a condition of confinement such that

a finding in plaintiff's favor would not alter his sentence or undo

his conviction, [a civil rights] action under [Bivens or] § 1983 is

appropriate." McGee v. Martinez, 627 F.3d 933, 936 (3d Cir. 2010)

(quoting Leamer v. Fauver, 288 F.3d 532, 542 (3d Cir. 2002). Here,

Petitioner's retaliation and medical care claims would not alter his

sentence or undo his conviction. Therefore, in the accompanying order

filed herewith, this Court will dismiss the present petition for lack

of jurisdiction. To the extent Petitioner has any conditions of

confinement claims that are not duplicative of claims in one his

pending actions, he should file those claims in a new Bivens action.

s/Renée Marie Bumb

Renée Marie Bumb

United States District Judge

Dated: August 6, 2015

2