

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

ABDULAI FOFANAH,

Petitioner,

v.

MR. SHOPAN,

Respondent.

HONORABLE JEROME B. SIMANDLE

Civil Action
No. 17-3863 (JBS)

OPINION

APPEARANCES:

Abdulai Fofanah, Petitioner pro se
1210 Croes Avenue
Apt 18B
Bronx, NY 10472

SIMANDLE, USDJ:

This matter comes before the Court on Abdulai Fofanah's petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241. Petition, Docket Entry 1. For the reasons set forth below, the petition is dismissed with prejudice.

1. Petitioner is presently incarcerated in FCI Fort Dix New Jersey. Petition ¶ 5.

2. According to the petition, Mr. Shopan entered the detention area and ordered everyone to leave. *Id.* ¶¶ 7-8.

"Thereupon, respondent entered the Cell, placed a Jacket over the single Window in the Cell's Door, and then closed the Door, and executed a secret search." *Id.* ¶ 9. Mr. Shopan exited the

cell two hours later and told Petitioner he had found a "hazardous tool" in the cell, an iPhone. *Id.* ¶¶ 10-13.

3. Petitioner was then "forcibly seized" by prison officials and subjected to unspecified "Base punishment." *Id.* ¶ 14.

4. Petitioner thereafter filed a § 2241 petition alleging violations of his First, Fifth, and Fourteenth Amendment rights. *Id.* ¶ 17; *Fofanah v. Shopan, et al.*, No. 17-0789, 2017 WL 626775 (D.N.J. Feb. 14, 2017).¹ The Honorable Robert B. Kugler, U.S.D.J., dismissed the petition without prejudice on February 14, 2017 as Petitioner had not alleged he lost good time credits or specified how the hearing violated his Due Process rights. *See id.* at *2. Petitioner was instructed he could amend his petition to include the necessary facts. *Id.*

5. Petitioner thereafter filed this petition asking the Court to determine that Fort Dix is located at 5756 Heartford Street, Trenton New Jersey 08640 and to serve his habeas petition on Respondent at that address. Petition ¶ 23; Prayer for Relief ¶ 1.

6. Petitioner brings this petition as a pro se litigant. The Court has an obligation to liberally construe pro se

¹ "[A] court may take judicial notice of a prior judicial opinion." *McTernan v. City of York*, 577 F.3d 521, 525 (3d Cir. 2009).

pleadings and to hold them to less stringent standards than more formal pleadings drafted by lawyers. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007); *Higgs v. Attorney Gen. of the U.S.*, 655 F.3d 333, 339 (3d Cir. 2011), *as amended* (Sept. 19, 2011) (citing *Estelle v. Gamble*, 429 U.S. 97, 106 (1976)).

7. Nevertheless, a federal district court must dismiss a habeas corpus petition if it appears from the face of the petition that the petitioner is not entitled to relief. 28 U.S.C. § 2254 Rule 4 (made applicable through Rule 1(b)); *see also McFarland v. Scott*, 512 U.S. 849, 856 (1994); *Siers v. Ryan*, 773 F.2d 37, 45 (3d Cir. 1985), *cert. denied*, 490 U.S. 1025 (1989).

8. Petitioner's current request is not the proper subject of a § 2241 petition and appears to be based on a misunderstanding of the basis for the dismissal of his previous petition.

9. The petition was not dismissed due to an issue with Petitioner's address or because he stated Fort Dix was located in Burlington County, New Jersey. *See* Petition ¶¶ 17-20. The petition was dismissed because Petitioner did not provide the court with enough information about what happened during the hearing and whether he lost any good time credits because of the hearing. *Fofanah*, 2017 WL 626775, at *2.

10. The Court takes judicial notice that FCI Fort Dix is located in Burlington County at 5756 Hartford & Pointville Road, Joint Base MDL, New Jersey, 08640. See FCI Fort Dix, <https://www.bop.gov/locations/institutions/ftd/> (last visited June 2, 2017). The physical location of FCI Fort Dix is not in Trenton, New Jersey.

11. The Court also takes notice of the fact that according to the Bureau of Prisons, mail to inmates of Fort Dix should be addressed as follows:

[Inmate Name and Register Number]
FCI Fort Dix Federal Correctional Institution
P.O. BOX 2000
Joint Base MDL, NJ 08640.

See *id.* To avoid delays in receiving mail from the court or opposing parties, Petitioner should update his address with the Clerk accordingly.

12. If Petitioner still wishes to pursue habeas relief, he should file an amended petition under Civil Action No. 17-0789 that includes the information requested by the court in its dismissal opinion, namely any alleged defects in the hearing as well as whether any good time credits were lost.

13. Because the relief requested by Petitioner in this action is not appropriately raised in a § 2241 petition, the Court will dismiss the petition with prejudice, meaning Petitioner may not file any amended petition in this case.

14. An accompanying Order will be entered.

June 26, 2017

Date

s/ Jerome B. Simandle

JEROME B. SIMANDLE

U.S. District Judge