

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

CIVIL NO. 3:07CV193  
(3:03CR28)

RICHARD DOYLE HUDSON, )  
 )  
 Petitioner, )  
 )  
 Vs. )  
 )  
 UNITED STATES OF AMERICA, )  
 )  
 Respondent. )  
 \_\_\_\_\_ )

ORDER OF DISMISSAL

**THIS MATTER** is before the Court on remand from the Fourth Circuit Court of Appeals. *Hudson v. United States*, 2007 WL 901591 (4<sup>th</sup> Cir. 2007).

By Order filed February 23, 2006, this Court denied the Petitioner’s motion to clarify the order of restitution imposed as part of his criminal judgment. **See, Order, filed February 23, 2006 (Crim. No. 3:03CR28).** The Petitioner appealed the Court’s Order and by an unpublished *per curiam* opinion, the Fourth Circuit vacated and remanded the case to this Court for further proceedings. *Hudson, supra*. The Fourth Circuit directed the Petitioner’s motion be construed as a habeas corpus petition

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under 28 U.S.C. § 2241 and this Court make a determination whether to transfer the action to the district court of Petitioner's confinement or dismiss the action without prejudice to the Petitioner to refile same in the appropriate district court. *Id.* The Court, therefore, finds that the interests of justice would best be served by dismissing this action without prejudice and permitting the Petitioner to refile same in the appropriate district court.

**IT IS, THEREFORE, ORDERED** that this action is hereby  
**DISMISSED WITHOUT PREJUDICE.**

Signed: May 9, 2007



Lacy H. Thornburg  
United States District Judge

