

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

**CIVIL NO. 3:07CV210
(3:01CR90)**

JULIA POWELL,)
)
Petitioner,)
)
Vs.) **ORDER OF DISMISSAL**
)
UNITED STATES OF AMERICA,)
)
Respondent.)
)

THIS MATTER is before the Court on Petitioner's motion to defer restitution payments.

Pursuant to recent Fourth Circuit decisions, the Petitioner's motion shall be construed as a habeas corpus petition under 28 U.S.C. § 2241. ***See Hudson v. United States*, 2007 WL 901591 (4th Cir. 2007); *Gripper v. United States*, 2007 WL 1115953 (4th Cir. 2007).** Construed as such, it is incumbent on this Court to 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

2

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 23, 2007

A handwritten signature in dark ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

