

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:07CV288-1-MU

JAMES MOORE,)
)
 Petitioner,)
)
 v.)
)
 FEDERAL BUREAU OF PRISONS,)
)
 Respondent.)
 _____)

ORDER

THIS MATTER is before this Court upon Petitioner’s Motion for Habeas Corpus¹ and Motion to Proceed In Forma Pauperis, both transferred from the United States District Court for the District of Columbia on July 18, 2007.

Petitioner asserts that he is a federal prisoner who is being housed in the Mecklenburg County Jail since December 22, 2006, when he was detained by the United States Parole Commission. Petitioner asserts that he is less than 120 days from his release date but because he is incarcerated in a county jail he is unable to transfer to a CCM halfway house. Petitioner asks the Court to order the Federal Bureau of Prisons to show cause as to why he is still incarcerated at the Mecklenburg County Jail and to order him transferred to a federal facility.

A Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 requires a filing fee of \$5.00. Petitioner has he submitted an application to proceed in forma pauperis. For good cause shown, this Court will grant Petitioner’s application.

¹ Petitioner is attacking the execution of his sentence and therefore this Court will treat, as the District of Columbia did, his habeas petition as one under 28 U.S.C. § 2241.

On May 21, 2007, Petitioner was transferred to federal custody. As such, he has received the relief he sought and his motion for habeas corpus is moot.

THEREFORE, IT IS HEREBY ORDERED that:

1. Petitioner's Motion to Proceed In Forma Pauperis is **GRANTED**; and
2. Petitioner's Motion for Habeas Corpus is **DENIED as moot**.

Signed: July 23, 2007

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

