

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CHARLES W. BROWN, JR.) CASE NO. 4:10CV0864
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) Petitioner,)
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) JUDGE DONALD C. NUGENT
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) v.)
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) U.S. MARSHAL, NORTHERN) MEMORANDUM OF OPINION
) AND ORDER
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) Respondents.

Petitioner *pro se* Charles W. Brown Jr .("Brown"), incarcerated at the Northeast Ohio Correctional Center ("NEOCC"), Youngstown, Ohio, brought this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. §2241 against the United States Marshal for the Northern District of Ohio, Roddi Rushing, Warden at the NEOCC and the United States Parole Commission. On January 26, 2010, he was sentenced to a term of imprisonment of 9 months for a parole violation. Brown has also filed an Amended Motion for Emergency Summary Judgment. (ECF 6).

This matter is before the Court for screening. 28 U.S.C. § 2243; *Harper v. Thoms*, No. 02-5520 2002, WL 31388736, at *1 (6th Cir. Oct. 22, 2002). At this stage, allegations in the petition are taken as true and liberally construed in petitioner's favor. *Urbina v. Thoms*, 270 F.3d 292, 295 (6th Cir.2001). As Brown is appearing *pro se*, his Petition is held to less stringent standards than those drafted by attorneys. *Burton v. Jones*, 321 F.3d 569, 573 (6th Cir.2003), *overruled on other grounds*, *Jones v. Bock*, 549 U. S. 199 (2007); *Hahn v. Star Bank*, 190 F.3d 708, 715 (6th Cir.1999). For the reasons set forth below, his Petition will be dismissed.

Brown asserts that he is being denied due process of law and equal protection because of the

denial of the opportunity to participate in pre-release programs.

Brown filed a request with the Federal Bureau of Prisons (“BOP”) seeking to be released to a Community Corrections Center under 18 U.S.C. § 3624(c). He was sentenced to a term of imprisonment of 9 months on January 26, 2010. He filed this Petition on April 22, 2010. The BOP's website indicates that Brown is now at the Federal Correctional Institution, located at Milan, Michigan, and his release date is June 14, 2010. He filed this Petition less than two months before his release date. Brown has less than a week before his release. Even if there was a concern that Petitioner was denied the privileges of § 3624(c), there is no way this Court can provide the remedy he requests.

Accordingly, Brown’s Motion to Proceed *In Forma Pauperis* is granted. His Amended Motion for Emergency Summary Judgment is denied. (ECF 6). This action is dismissed. *See* 28 U.S.C. § 2243.¹ The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3) that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Date:

June 10, 2010



JUDGE DONALD C. NUGENT
UNITED STATES DISTRICT JUDGE

¹ 28 U.S.C. § 2243 requires the court to summarily hear and determine the facts and dispose of the matter as law and justice require.