

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

TIMOTHY DOYLE YOUNG,

Petitioner,

v.

Civil Action 2:14-cv-296
Judge GREGORY L. FROST
Magistrate Judge Elizabeth P. Deavers

ERIC HOLDER,

Respondent.

OPINION AND ORDER

This matter is before the Court for consideration of Petitioner's March 31, 2014 petition for federal habeas relief. (ECF No. 1.) In his petition, Timothy Doyle Young, a *pro se* federal prisoner, asks the Court to adjust his sentence to restore good-time credits and to declare the Prison Litigation Reform Act unconstitutional. For the reasons that follow, the Court **DISMISSES WITHOUT PREJUDICE** the petition for a writ of habeas corpus.

Mr. Young represents that he is currently incarcerated at a federal correctional institution in Florence, Colorado. According to Mr. Young, “[t]he [Bureau of Prisons (“BOP”)] has revoked Good-Time credits in direct violation of Policy (FLM 5321.06), the Eighth Amendment, and *McKune v. Lile . . .*” (Pet. 1, ECF No. 1.) Plaintiff also alleges that the BOP has falsified public records and that the United States Court of Appeals for the Tenth Circuit “is committing criminal acts.” (*Id.* at 1–2.) In terms of relief, Mr. Young asks the Court to “[r]estore good-time credits and declare the PLRA unconstitutional.” (*Id.* at 2.)

The Court recognizes that Mr. Green’s petition, as it relates to his request for restoration of good-time credit, is a petition for a writ of habeas corpus under 28 U.S.C. § 2241. Calculation of good-time credit is the responsibility of the BOP under 18 U.S.C. § 3624. 18 U.S.C. § 3624 (2006 ed. and Supp. IV); *Barber v. Thomas*, 560 U.S. 474, 476–477 (2010). Petitions challenging the BOP’s revocation of good time credit (as contrasted with petitions challenging the validity of a sentence) are properly brought under § 2241. *Terrell v. United States*, 564 F.3d 442, 447–48 (6th Cir. 2009).

This Court, however, lacks jurisdiction to hear Mr. Young’s petition for habeas relief under § 2241. “If a federal prisoner seeks to challenge the execution of his sentence, he must file a § 2241 habeas petition *in the district court having jurisdiction over petitioner’s custodian.*” *United States v. Jenkins*, 4 F. App’x 241, 242 (6th Cir. 2001) (emphasis added) (citations omitted); *Terrell*, 564 F.3d at 447 n.9 (noting that the petitioner had properly filed his § 2241 petition challenging the revocation of his good-time credits in the district court having jurisdiction over his custodian). Where a petitioner files his pleading in the wrong court, the court may dismiss the petition for lack of jurisdiction. *See Jenkins*, 4 F. App’x at 243 (concluding that the district court properly dismissed the prisoner’s § 2241 petition where he improperly filed in a district court outside of the district in which he was confined). Here, according to Mr. Young, he is presently confined at the federal correctional institution in Florence, Colorado, which is located in the United States District Court for the District of Colorado. Thus, that court, not this Court, has jurisdiction over Mr. Young’s custodian. Consequently, the Court **DISMISSES** Mr. Young’s petition for habeas relief under § 2241 **WITHOUT PREJUDICE** to his ability to refile in the district where he is incarcerated. The Court **DIRECTS** the Clerk to terminate this action.

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE