

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

| | | |
|----------------------------|---|---------------------|
| DUANE LETROY BERRY, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | CIV-17-202-R |
| |) | |
| JOHN B. FOX, |) | |
| |) | |
| |) | |
| Respondent. |) | |

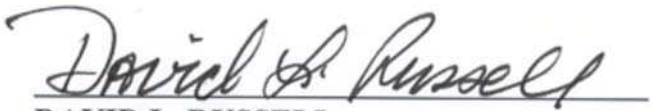
ORDER

Petitioner filed this action seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Pursuant to 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred to United States Magistrate Judge Charles B. Goodwin for preliminary review. On June 30, 2017, Judge Goodwin issued a Report and Recommendation wherein he recommended that the petition be dismissed as moot because Petitioner is no longer being detained in this District, having been transferred to Michigan in April 2017, where he remains in custody. Petitioner did not file an objection to the Report and Recommendation, but rather filed an Emergency Motion for Transfer Into United States Custody and Habeas Corpus Pursuant to 28 U.S.C. § 2243. Therein he asserts he was unlawfully transferred from the custody of the United States Marshal to the custody of the State of Michigan, being currently detained in the Wayne County Jail.¹ Petitioner asserts this Court can order the United States Marshal to return him to federal custody.

¹ In his prior Notice of Change of Address, Petitioner indicated he had been transferred to Midland, Michigan. He has apparently been transferred from the Midland County Jail to the Wayne County Jail.

The Court hereby ADOPTS the Report and Recommendation of Judge Goodwin and **DISMISSES THIS ACTION WITHOUT PREJUDICE** as it has become moot. Accordingly, the motions Petitioner filed before July 18, 2017 are also moot. To the extent Petitioner believes he has been wrongly transferred to state custody from federal custody in Michigan, his claims are best addressed in federal court in Michigan where he may begin the habeas process anew.

IT IS SO ORDERED this 27th day of July 2017.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE