

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>KEITH BRYAN WEBB-EL,</b>	:	<b>CIVIL NO. 1:17-CV-321</b>
	:	
<b>Petitioner</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>L.J. ODDO, WARDEN,</b>	:	
	:	
<b>Respondent</b>	:	

**ORDER**

AND NOW, this 25th day of July, 2017, upon consideration of petitioner’s motion (Doc. 4) for the court to “exercise its title 28 U.S.C. § 2241(c)(3) . . . jurisdiction”, motions (Docs. 9, 21, 23) for summary judgment, and motion (Doc. 24) for judgment on the pleadings, and the court finding that petitioner’s motions are inappropriate and unnecessary in a habeas proceeding, because, under the Federal Rules of Civil Procedure, the procedure the court should follow when entertaining an application for a writ of habeas corpus under 28 U.S.C. § 2241 begins with the issuance of a service order, followed by the filing of a response by the person having custody of the petitioner, the filing of a reply by the petitioner, then a hearing, if deemed necessary by the court, and a decision, see 28 U.S.C. § 2243; see e.g., Cool v. Pennsylvania, 2008 WL 2858310 (M.D. Pa. 2008) (finding that a motion for summary judgment is inappropriate in a section 2254 habeas action); Ghaziaskar v. Ashcroft, 2005 WL 1138377 (M.D. Pa. 2005) (construing petitioner’s motions for judgment as a matter of law as motions for default judgment, and denying the motions as

unauthorized by the statutory provisions and rules related to habeas corpus proceedings); Atkins v. United States, 1990 WL 126196, \*3 (“the habeas corpus statute seems to treat the petition itself as the equivalent of a petitioner-initiated summary judgment motion”) (citing 1 J. Liebman, *Federal Habeas Corpus Practice and Procedure* § 17.3 (1988)), it is hereby ORDERED that the motions (Docs. 4, 9, 21, 23, 24) are DISMISSED.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania