

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

RECEIVED
JSDC, CLERK, CHARLESTON, SC

2010 SEP 27 A 11:38

William T. Coleman,)
)
 Petitioner,)
)
 v.)
)
 John R. Owen,)
)
)
 Respondent.)
 _____)

Civil Action No. 0:10-2151-SB

ORDER

This matter is before the Court on the pro se Petitioner's request for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Pursuant to Local Rule 73.02(B)(2)(a), this matter was referred to a United States Magistrate Judge for preliminary review.

On August 30, the Magistrate Judge issued a report and recommendation ("R&R"), analyzing the petition and determining that the Petitioner's claims are cognizable—if at all—under 28 U.S.C. § 2255 and not 28 U.S.C. § 2241. In addition, the Magistrate Judge noted that the Petitioner seeks relief from a conviction and sentence entered in the United States District Court for the District of Vermont, and not a conviction and sentence entered by this Court. Ultimately, the Magistrate Judge recommended that the Court dismiss the instant petition without prejudice and without requiring the Respondent to file an answer.

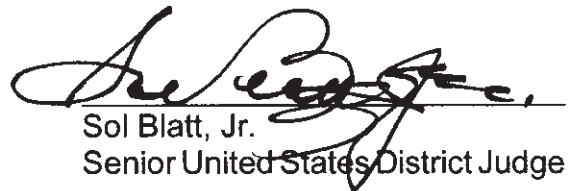
Attached to the R&R was a notice advising the Petitioner of his right to file specific, written objections to the R&R within fourteen days of the date of service. On September 10, 2010, the Petitioner filed a notice requesting the Court to amend the caption of his suit to replace John R. Owen, the Warden of the Williamsburg Correctional Facility, with M. M. Mitchell, the Warden of Edgefield Correctional Facility. However, it does not appear that

the Petitioner has filed any written objections to date. Nevertheless, because the Petitioner did contact the Court during the objections period, and because it is not clear whether he intended for his most recent filing to constitute objections to the R&R, the Court will grant him an additional twenty (20) days to file actual, specific objections to the R&R.

Therefore, it is

ORDERED that the Petitioner shall have an additional twenty (20) days from the date of this order to file written objections to the R&R.

IT IS SO ORDERED.


Sol Blatt, Jr.
Senior United States District Judge

September 24, 2010
Charleston, South Carolina

#2