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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Heliodoro Vela-Cavazos, Petitioner, v. A. Mansukhani, Warden, Federal Correctional Institute-Estill, Respondent.	)))))))))))	C/A No. 0:16-3566-TMC **ORDER**

This matter is before the court on Petitioner Heliodoro Vela-Cavazos' ("Petitioner") petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Pursuant to *United States v. Castro*, 540 U.S. 375 (2003), the court previously notified Petitioner of the court's intent to re-characterize the petition as a § 2255 motion. (ECF No. 19). Further, the court informed him that if this action was recharacterized as a § 2255 motion, it would be transferred to the Southern District of Texas, where he was originally sentenced, for all further proceedings. *Id.* Petitioner has filed a response in which he consents to having his § 2241 petition recharacterized as one under § 2255 and transferred to the Southern District of Texas. (ECF No. 21).

Accordingly, the Clerk is authorized to recharacterize this § 2241 petition as one under 28 U.S.C. § 2255 and note such modification in the text of the docket sheet so that the original filing date remains the same. The Clerk shall then transfer this action to the United States District Court for the Southern District of Texas for further proceedings.

IT IS SO ORDERED.

s/Timothy M. Cain
United States District Judge

Anderson, South Carolina
May 4, 2017

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