

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

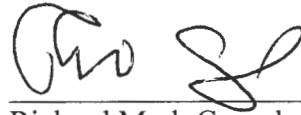
Craig Andre Neal,)	
)	
Petitioner,)	Civil Action No. 0:17-2352-RMG
)	
vs.)	
)	
Warden Joyner,)	
)	ORDER
Respondent.)	
)	
_____)	

Petitioner, serving a life sentence for various drug-related convictions in the Middle District of Florida in 2002, filed a petition for habeas relief under 28 U.S.C. § 2241. He had previously and unsuccessfully pursued habeas relief in 2006 under 28 U.S.C. § 2255. The Court, following the recommendation of the Magistrate Judge and the law of this circuit, summarily dismissed Petitioner’s habeas petition because he did not challenge the underlying lawfulness of his conviction. (Dkt. Nos. 5, 11). In a recent decision, *United States v. Wheeler*, 886 F. 3d 415, 429 (4th Cir. 2018), the Fourth Circuit recognized the right of a habeas petitioner to challenge the lawfulness of his sentence under § 2241 where there has been a change in substantive law relating to the petitioner’s sentence that applies retroactively. The Fourth Circuit recently vacated and remanded this Court’s order to reconsider its decision in light of *Wheeler*. (Dkt. No. 28).

Although Petitioner’s filings do not suggest that he bases his petition on a substantive change in the law affecting the lawfulness of his sentence, the Court finds that the ends of justice are served by providing the Petitioner an opportunity to address the newly pronounced *Wheeler*

standards in his habeas petition. Consequently, the Court remands the matter to the Magistrate Judge for further pretrial processing consistent with this order.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Gergel', is written above a horizontal line.

Richard Mark Gergel
United States District Judge

July 9, 2018
Charleston, South Carolina