

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

Larry L. Dixon, # 06402-017,)	
a/k/a Larry LaVerne Dixon,)	
)	
Petitioner,)	
)	
vs.)	Civil Action No.: 2:10-cv-2380-TLW-RSC
)	
Mildred Rivera, Warden F.C.I. Estill,)	
)	
Respondent.)	
_____)	

ORDER

On September 13, 2010, the petitioner, Larry L. Dixon (“petitioner”), proceeding pro se, filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (Doc. #1). The case was referred to United States Magistrate Judge Robert S. Carr pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2), DSC.

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by the Magistrate Judge to whom this case had previously been assigned. (Doc. # 10). On December 8, 2010, the Magistrate Judge signed the Report. In the Report, the Magistrate Judge recommends the petitioner’s 28 U.S.C. § 2241 petition be dismissed without prejudice because the petitioner has not exhausted administrative remedies and has not shown that a second or successive 28 U.S.C. § 2255 motion would be inadequate or ineffective. (Doc. # 10). The petitioner filed a response to the Report in which he submits he has not exhausted administrative remedies and has not sought permission to file a second or successive Section 2255 motion. (Doc. # 12). The

petitioner, therefore, requests that this Court dismiss his 28 U.S.C. § 2241 petition without prejudice so he may pursue administrative remedies or a successive Section 2255 motion. (Doc. # 12).

The petitioner's request to dismiss his Section 2241 petition without prejudice (Doc. # 12) is **GRANTED**. The petitioner's 28 U.S.C. § 2241 petition (Doc. # 1) is hereby **DISMISSED** without prejudice.

IT IS SO ORDERED.

s/Terry L. Wooten
United States District Judge

April 8, 2011
Florence, South Carolina