

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Oliver M. Boling, # 36688-118,

) **C/A No. 4:12-3368-CMC-TER**
) [formerly C/A No. 1:12-cv-01576 (D.D.C.)]

Petitioner,

vs.

ORDER

Superior Court of the District of Columbia;
Warden of FCI-Estill,

Respondents.

This is an action seeking habeas corpus relief pursuant to 28 U.S.C. § 2241. Petitioner is a prisoner confined at a federal correctional institution. Therefore, in the event that a limitations issue arises, Petitioner shall have the benefit of the holding in *Houston v. Lack*, 487 U.S. 266, 276 (1988) (prisoner’s pleading was filed at the moment of delivery to prison authorities for forwarding to District Court). Under Local Civil Rule 73.02(B)(2) DSC, pretrial proceedings in this action have been referred to the undersigned United States Magistrate Judge.

The above-captioned case was originally filed in the United States District Court for the District of Columbia on September 17, 2012. Petitioner paid the five-dollar (\$5) filing fee in the United States District Court for the District of Columbia (Receipt No. 4616051590). On October 4, 2012, the Honorable Rudolph Contreras, United States District Judge, issued an order to show cause (ECF No. 2) as to why the above-captioned case should not be transferred to the district of Petitioner’s confinement. Petitioner responded to the order to show cause on October 22, 2012 (ECF No. 3). On November 6, 2012, Judge Contreras, by order (ECF No. 4), transferred the case to the District of South Carolina. The Clerk’s Office of the United States District Court for the District of Columbia transmitted the case electronically to the District of South Carolina on November 27, 2012 (ECF No. 27).

TO THE CLERK OF COURT:

The Clerk of Court is directed to add to the docket the Warden of FCI-Estill as a respondent because a prisoner’s custodian is the proper respondent in a habeas corpus action. *Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004). The Clerk of Court shall not serve the § 2241 Petition upon Respondents because the Petition is subject to summary dismissal.

TO PETITIONER:

Petitioner must place the Civil Action Number (C/A No.) listed above on any document filed in connection with this case. Any future filings by Petitioner in this case must be sent to the Clerk's Office in **Florence (Post Office Box 2317, Florence, South Carolina 29503)**. All documents requiring Petitioner's signature shall be signed with Petitioner's full legal name written in Petitioner's own handwriting. *Pro se* litigants, such as Petitioner, shall *not* use the "s/typed name" format used in the Electronic Case Filing System. In all future filings with this Court, Petitioner is directed to use letter-sized (8½ inches by 11 inches) paper only, to write or type text on one side of a sheet of paper only and not to write or type on both sides of any sheet of paper. Petitioner is further instructed not to write to the edge of the paper, but to maintain one-inch margins on the top, bottom, and sides of each paper submitted.

Petitioner is a *pro se* litigant. Petitioner's attention is directed to the following important notice:

You are ordered to always keep the Clerk of Court advised **in writing (Post Office Box 2317, Florence, South Carolina 29503)** if your address changes for any reason, so as to assure that Orders or other matters that specify deadlines for you to meet will be received by you. If as a result of your failure to comply with this Order, you fail to meet a deadline set by this Court, **your case may be dismissed for violating this Order.** Therefore, if you have a change of address before this case is ended, you must comply with this Order by immediately advising the Clerk of Court in writing of such change of address and providing the Court with the docket number of all pending cases you have filed with this Court. Your failure to do so will not be excused by the Court. Put this Order with your own record of this case so that you will not overlook your duty.

IT IS SO ORDERED.

November 29, 2012
Florence, South Carolina

s/Thomas E. Rogers, III
Thomas E. Rogers, III
United States Magistrate Judge