

FILED

OCT 17 2008


CLERK

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

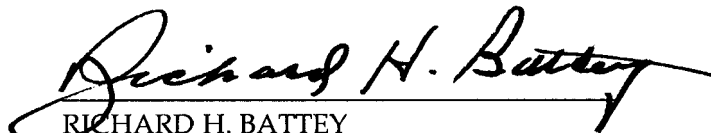
BYRON K. RED KETTLE,)	CIV. 08-5075-RHB
)	
Petitioner,)	
)	
vs.)	ORDER
)	
HARRY G. LAPPIN, Director,)	
Bureau of Prisons,)	
)	
Respondent.)	

Petitioner has filed a motion for post-conviction relief which challenges the execution of his federal prison sentence. Docket #1. Petitioner has properly styled his petition as one made pursuant to 28 U.S.C. § 2241. A motion for relief under § 2241 must be made in the district with jurisdiction over either the prisoner himself or his keeper. See Smith v. United States, 618 F.2d 507, 510 (8th Cir. 1980). See also Baker v. Tippy, 230 F.3d 1362 (8th Cir. 2000); United States v. Chappel, 208 F.3d 1069 (8th Cir. 2000); United States v. Leath, 711 F.2d 119, 120 (8th Cir. 1983). Petitioner is currently housed in a federal prison in Louisiana, and defendant is located in Washington, D.C. As such, the Court does not have jurisdiction to rule on petitioner's § 2241 motion. Accordingly, it is hereby

ORDERED that petitioner's motion for relief pursuant to 28 U.S.C. § 2241 (Docket #1) is dismissed without prejudice for lack of jurisdiction.

Dated this 17th day of October, 2008.

BY THE COURT:


RICHARD H. BATTEY
UNITED STATES DISTRICT JUDGE