

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

<p>JEREMY KOON,</p> <p style="padding-left: 40px;">Petitioner,</p> <p>vs.</p> <p>JUAN D. CASTILLO,</p> <p style="padding-left: 40px;">Respondent.</p>	<p>} } } } } } } } } }</p>	<p style="text-align: right;">No. 10-2574-STA-cgc</p>
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ORDER DENYING PETITIONER'S MOTION TO SUPPLEMENT AND AMEND
AND
ORDER DENYING RESPONDENT'S MOTION TO STRIKE

On August 5, 2010, Petitioner Jeremy Koon, Bureau of Prisons inmate registration number 17432-076, an inmate at the Federal Correctional Institution in Memphis, Tennessee, filed a pro se petition pursuant to 28 U.S.C. § 2241 that sought the expungement of an incident report and the restoration of forfeited good conduct credits. (ECF No. 1.) Respondent filed his Answer on November 30, 2010. (ECF No. 11.)

On June 10, 2011, Petitioner filed a Motion for Leave to Supplement and Amend 28 U.S.C. § 2241 Petition and Motion that sought to add, as an additional ground for relief, a claim that his guilty plea was not voluntary and intelligent in light of the Supreme Court's decision in Johnson v. United States, ___ U.S. ___,

130 S. Ct. 1265, 176 L. Ed. 2d 1 (2010). (ECF No. 12.) On June 21, 2011, Respondent filed a Motion to Strike Plaintiff's [sic] Motion for Leave to Supplement and Amend (ECF No. 13), which stated that the motion had been filed in the wrong case. On June 23, 2011, Respondent filed his Response in Opposition to Motion for Leave to Supplement and Amend 28 U.S.C. § 2241 Petition and Motion (ECF No. 14), that attached a letter from Petitioner stating, in effect, that he does not intend to amend the claims asserted in the instant case.

On June 21, 2011, Petitioner filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 in which he asserted that his guilty plea was not voluntary and intelligent in light of Johnson v. United States. (§ 2241 Habeas Corpus Pet. Form to be Used by Prisoners in Actions Under 28 U.S.C. § 2241 or in Actions Challenging Removal Proceedings at 3-4, Koon v. Castillo, No. 11-2516-STA-dkv (W.D. Tenn.), ECF No. 1.) Because Petitioner has presented his new claim in a separate petition, his Motion to Supplement and Amend is DENIED. Respondent's Motion to Strike is DENIED because Petitioner's Motion to Supplement and Amend, which

bears the typewritten docket number of this action, was not
misfiled.

IT IS SO ORDERED this 20th day of January, 2012.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE