

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

STEVEN DEEM,

Movant,

v.

No. 4:23-cv-0141-P

UNITED STATES OF AMERICA,

Respondent.

OPINION

On February 10, 2023, Movant, Steven Deem, filed a document purporting to be an application for writ of habeas corpus under 28 U.S.C. § 2241. The Court is satisfied that no other conclusion could be reached but that it is, instead, a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct sentence. Nevertheless, in an abundance of caution, in light of *Castro v. United States*, 540 U.S. 375, 377 (2004), the Court hereby notifies Movant that: (1) it intends to construe the motion as one under § 2255; (2) as a result, the motion will likely be transferred to the United States District Court for the Western District of Louisiana for consideration as part of No. 5:13-cr-0149-1; and, (3) so construing the document will cause it to be subject to § 2255's "second or successive" restrictions. In addition, Movant has the right to amend the motion to include all the § 2255 claims he believes he has. Therefore, the Court is giving Movant an opportunity to withdraw or amend the filing. If he does not withdraw the filing by February 28, 2023, the Court may proceed to construe the motion as one brought under § 2255. If he does not withdraw or amend the filing by that date, the Court may proceed to construe the document as presenting all the grounds Movant wishes to pursue.

SO ORDERED on this **15th day of February 2023.**



MARK T. PITTMAN
UNITED STATES DISTRICT JUDGE