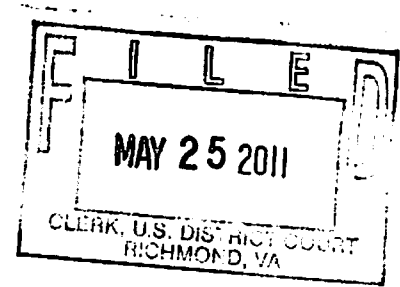


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



HUGH ROYAL EPPS,

Plaintiff,

v.

Civil Action No. 3:11CV268

UNITED STATES OF AMERICA,

Defendant.

MEMORANDUM OPINION

Plaintiff, a federal inmate, filed a Motion for Correction of the Record. (Docket No. 1.)

Because it appeared that Plaintiff seeks to challenge his federal conviction and sentence, by Memorandum Order entered on May 4, 2011, the Court informed Plaintiff that he may only proceed pursuant to 28 U.S.C. § 2255. The Court provided Plaintiff with the correct forms to file the proper motion. Plaintiff has returned those forms.

Because a motion under 28 U.S.C. § 2255 "is a further step in the movant's criminal case," the Clerk has filed Plaintiff's motion in his criminal case. Rule 1 of the Rules Governing § 2255 Proceedings advisory committee note; *United States v. Epps*, No. 3:07-cr-420 (E.D. Va.). The Court will continue to process the motion under Plaintiff's criminal case number.

Accordingly, this action will be DISMISSED. Plaintiff's Motion for Correction of the Record (Docket No. 1) and Motion to File a § 2255 (Docket No. 3) will be DENIED AS MOOT.

An appropriate Order will accompany this Memorandum Opinion.

Date: 5-25-11
Richmond, Virginia

/s/
James R. Spencer
Chief United States District Judge