

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

KENNETH B. RILEY, # 51603-037

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Civil Action No. RDB-12-3536

Petitioner

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v

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IKE EICHENLAUB

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Respondent

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MEMORANDUM OPINION

Pending is a Petition for Writ of Habeas Corpus filed by self-represented Petitioner Kenneth B. Riley, an inmate at FCC Petersburg, Virginia. After preliminary review, this Court will order this matter transferred to the United States District Court for the Eastern District of Virginia.

Riley was sentenced to 30 months imprisonment for conspiracy to distribute and possess with intent to distribute hydrocodone in *United States v. Riley*, Criminal Action No. RDB-10-0324 (D. Md. 2011) In support of the instant Petition, Riley avers the following. In June of 2012, he was transferred to a Residential Reentry Center in Baltimore. On the eve of his release to home detention, he was served with a summons issued in the District Court for Baltimore County for telephone harassment and misuse. Riley states the summons was based on charges filed by his estranged wife who suffers from a mental disorder. Based on the charges, a hearing officer found Riley guilty of a prohibited act in violation of Bureau of Prison rules and he was removed from the RDAP and the six month reward for successful completion of the program was forfeited. On November 14, 2012, the District Court for Baltimore County dismissed the charges nolle prosequi. Riley filed this Petition on November 29, 2012.

Habeas corpus relief for is available for prisoners who are “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c)(3). The Fourth Circuit has recognized that “challenges to the execution of a federal sentence are properly brought under § 2241.” *United States v. Little*, 392 F.3d 671, 679 (4th Cir.2004) (quoting *Braden v. 30th Judicial Circuit Court*, 410 U.S. 484, 495 (1973)). A petitioner seeking judicial review of the execution of his sentence under § 2241 “should name his warden as respondent and file the petition in the district of confinement.” *Id.* at 680 (quoting *Rumsfeld v. Padilla*, 542 U.S. 426, 447 (2004)).

In this case, Riley is in the custody of the Warden, FCC Petersburg, a correctional facility in the Eastern District of Virginia. Consequently, this case will be transferred to the Eastern District of Virginia for consideration as may be deemed appropriate. A separate Order follows.

December 4, 2012
Date

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RICHARD D. BENNETT
UNITED STATES DISTRICT JUDGE