

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

ALLAN CHARLES CLACK,)
)
Petitioner,)
)
v.)
)
RACHEL THOMPSON,)
)
Respondent.)

Civil Action No. 3:24-cv-747-HEH

MEMORANDUM OPINION
(Dismissing Action Without Prejudice)

Petitioner Allan Charles Clack (“Petitioner”), a federal inmate proceeding *pro se*, submitted this 28 U.S.C. § 2241 Petition. Petitioner is currently incarcerated in Fort Dix, New Jersey. In his § 2241 Petition, Petitioner challenges how his sentence is being carried out. (ECF No. 1, at 1 (as paginated by CM/ECF).) “Whenever a § 2241 habeas petitioner seeks to challenge his present physical custody within the United States, he should name his warden as respondent and *file the petition in the district of confinement.*” *Oden v. Wilson*, No. 3:17-cv-286, 2018 WL 359478, at *4 n.5 (E.D. Va. Jan. 10, 2018) (emphasis added) (quoting *Rumsfeld v. Padilla*, 542 U.S. 426, 447 (2004)). Accordingly, the action will be DISMISSED without prejudice. Petitioner remains free to refile the action in the district of his confinement.

An appropriate Final Order will accompany this Memorandum Opinion.



Henry E. Hudson
Senior United States District Judge

Date: Nov. 22, 2024
Richmond, Virginia