


AUG 23 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. BUDLEY, CLERK
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CORBY RAY DILLARD,)	CASE NO. 7:13CV00368
)	
Petitioner,)	
)	MEMORANDUM OPINION
vs.)	
)	
THE UNITED STATES OF AMERICA,)	By: Glen E. Conrad
)	Chief United States District Judge
Respondent.)	

Corby Ray Dillard, a federal inmate proceeding pro se, filed this petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2241. Upon review of the record, the court finds that this petition must be dismissed without prejudice.

Dillard is incarcerated in a federal prison in North Carolina. Ordinarily, a § 2241 petition must be filed in the United States District Court where the defendant is confined. In re Jones, 226 F.3d 328, 332 (4th Cir. 2000). In his petition, however, Dillard appeared to be challenging the validity of the judgment entered by this court, convicting and sentencing the defendant on a federal criminal offense. See United States v. Dillard, Case No. 4:07CR00023. By order entered August 9, 2013, the court construed Dillard's submission as a motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255, and granted Dillard ten days to object to this construction or to submit a § 2255 motion stating his claims and discussing their timeliness under § 2255(f). In response to the court's order, Dillard has now submitted a § 2255 motion, which has been docketed in the criminal proceeding, Case No. 4:07CR00023. As all further

action on Dillard's claims and related motions will occur in that case, this action under § 2241 will be dismissed without prejudice. An appropriate order will issue this day.

The Clerk is directed to send copies of this memorandum opinion and accompanying order to petitioner.

ENTER: This 23rd day of August, 2013.



Chief United States District Judge