

these past events, the petitioner moves the court for an interlocutory injunction directing the warden “to provide a safe non-hostile living environment were [sic] petitioner Denard-Darnell: Neal; Is Free From Staff Assaults, Free From Staff planting of weapons or drugs upon petitioner or personal property.” Mot. Attach. 1, ECF No. 5-11.

Section 2241 habeas petitions are appropriate when an inmate seeks to challenge “the very fact or duration of his physical imprisonment.” Preiser v. Rodriguez, 411 U.S. 475, 500 (1973). A motion complaining about conditions of confinement is not challenging the fact or duration of the petitioner’s imprisonment and, thus, is not properly before the court in this habeas action.¹ Therefore, the court will deny the petitioner’s motion. An appropriate order will enter this day.

ENTER: This 10th day of April, 2019.



Senior United States District Judge

¹ Claims that conditions of confinement are unconstitutional may be raised in a civil rights complaint under Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). If the petitioner wishes to file such an action, he must also comply with filing prerequisites, including exhaustion of available administrative remedies as required under 42 U.S.C. § 1997e(a) and making financial arrangements to pay the filing costs. See 28 U.S.C. § 1915(b).