

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

BRETT A. OWEN,)	
)	
Petitioner,)	Case No. 7:19CV00316
)	
v.)	OPINION
)	
UNKNOWN,)	By: James P. Jones
)	United States District Judge
Respondent.)	

Brett A. Owen, Pro Se Petitioner.

The petitioner, Brett A. Owen, an inmate in the Eastern Correctional Institute, located at in Westover, Maryland, filed this action, pro se, as a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241. Owen’s petition states that he is currently serving a term of imprisonment imposed by the Worcester County Circuit Court, located in Maryland. Upon review of the record, I conclude that Owen’s petition must be summarily dismissed.

A petition under § 2241 is a statutory remedy that a person in custody may utilize to challenge the execution of a *federal* criminal sentence, or in limited circumstances, the constitutionality of his confinement under a *federal* conviction and/or sentence. Moreover, a § 2241 petition must be brought in the district court with jurisdiction over the petitioner’s custodian, who is usually the warden of the prison facility where the petitioner is incarcerated. *In re Jones*, 226 F.3d 328, 332

(4th Cir. 2000). Owen is confined in Maryland. Thus, I have no jurisdiction over the warden in Maryland who is Owen's current custodian. Therefore, I also have no jurisdiction to address claims Owen may have under § 2241.

I also cannot find that the interests of justice warrant transfer of the petition to the appropriate federal court in Maryland. *See* 28 U.S.C. § 1406(a). Owen's petition states claim for relief. Indeed, that section of the § 2241 petition form is completely blank. Accordingly, I will summarily dismiss the petition for lack of jurisdiction, without prejudice to Owen's submission of an adequate § 2241 petition in the appropriate court.¹

A separate Final Order will be entered herewith.

DATED: April 22, 2019

/s/ James P. Jones
United States District Judge

¹ Because Owens' petition does not make any statement of his claims, I am unable to determine if they could be raised in a § 2241 petition or would more appropriately be addressed using another remedy, such as a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (habeas corpus remedy for a person challenging validity of his confinement under a state court judgment). A § 2254 petition must be filed in the federal district court where the state court of conviction is located — which for Owen would be the United States District Court for the District of Maryland. *See* 28 U.S.C. § 2241(a).