

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

ARTHUR ALAN OUTLAW,

Petitioner,

v.

CIVIL ACTION NO. 5:08-cv-00889

T. R. CRAIG,

Respondents.

MEMORANDUM OPINION AND ORDER

Pending before the Court is the Petitioner's *Application Under 28 U.S.C. § 2241 for Writ of Habeas Corpus by a Person in Federal Custody* [Docket 1]. This action was referred, by standing order [Docket 3], to the Honorable Clarke VanDervort, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B).

The Magistrate Judge has submitted findings of fact [Docket 11] and recommended that the Court construe the Petitioner's *Application* as a Petition for Writ of Error *Coram Nobis* under the All Writs Act, 28 U.S.C. § 1651, and transfer the matter to the sentencing court in the Western District of Virginia for further proceedings.


No party entered objections to the Magistrate Judge's findings and recommendation.

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge. The Court **CONSTRUES** the Petitioner's *Application* [Docket 1] as a Petition for Writ of Error *Coram Nobis* under the All Writs Act, 28 U.S.C. § 1651, and **ORDERS**

that the matter be **TRANSFERRED** to the sentencing court in the Western District of Virginia for further proceedings.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge VanDervort, counsel of record, and any unrepresented party.

ENTER: February 2, 2010



IRENE C. BERGER, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA