

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

CALVIN S. WEDINGTON #18915-037
Petitioner

*

*

v.

CIVIL ACTION NO. RDB-12-835

• (Related Criminal No. RDB-82-086)

UNITED STATES OF AMERICA
Respondent

*

ORDER

Pending is a "Motion for Release" filed by self-represented Petitioner Calvin S. Wedington, a federal prisoner confined at Federal Medical Center, Rochester, Minnesota. Wedington, who is serving a life sentence with possibility of parole following his 1982 conviction for murder in Criminal No. K-82-86 (D. Md.), claims that the United States Parole Commission has failed to timely provide record review and thus has improperly delayed consideration of his release on parole. By attacking the calculation of his parole, Wedington is challenging the execution of his sentence. Challenges to the execution of a prisoner's federal sentence are properly cognizable in a 28 U.S.C. §2241 habeas petition. *See, e.g., United States v. Miller*, 871 F.2d 488, 490 (4th Cir.1989).

Courts may grant a writ of habeas corpus "within their respective jurisdictions." 28 U.S.C. § 2241(a). This means that in a § 2241 action, the petition must be filed in the district court of the district where a petitioner is in custody. *See Braden v. 30th Judicial Circuit*, 410 U.S. 484, 495-500 (1973); *Miller*, 871 F.2d 488, 490 (4th Cir.1990). In this case, Wedington is in the custody of the warden at the medical center at Rochester, Minnesota. That federal facility is located within the jurisdiction of the United States District Court for the District of Minnesota.

Wedington implies that his parole consideration date has passed. For this reason, this case will be transferred to the Minnesota federal court.

Accordingly, it is this 21st day of March, 2012, by the United States District Court for the District of Maryland, hereby ordered:

1. Petitioner's Motion for Appointment of Counsel (ECF No. 2 in Civil Action No. RDB-12-835 and ECF No. 119 in Criminal No. 82-86) IS DENIED without prejudice to refiling in the appropriate court;
2. Petitioner's Motion for Release from Custody (ECF No. 118 in Criminal No. 82-86) IS DENIED;
3. Petitioner's Petition/Motion for Release filed in Civil Action No. RDB-12-835 IS TRANSFERRED to the Clerk for the United States District Court for the District of Minnesota, Gerald W. Heaney Federal Building, 515 West First Street, 417 Federal Building, Duluth, Minnesota 55802-1397; and
4. The Clerk SHALL CLOSE this case.

_____/s/_____
RICHARD D. BENNETT
UNITED STATES DISTRICT JUDGE