

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

TIMOTHY S. DALTON,)	
Petitioner,)	
)	CRIMINAL ACTION
v.)	
)	Case No. 07-20001-001-CM
UNITED STATES OF AMERICA,)	
BUREAU OF PRISONS,)	
)	
Respondent.)	
_____)	

MEMORANDUM AND ORDER

This criminal case is before the court on petitioner Timothy S. Dalton's motion entitled "Writ Quo Warranto" (Doc. 38). In petitioner's motion, he requests that the court enter an order regarding the execution of his sentence. He claims that this court ordered that he be placed in a halfway house in the Kansas City area, but that the Bureau of Prisons placed him in an institution in Texarkana, Texas.

The relief that petitioner seeks is not available through a writ quo warranto. Petitioner asks the court to enter an order regarding the execution of his sentence. The appropriate channel for such a request is a motion pursuant to 28 U.S.C. § 2241. *Davis v. Roberts*, 425 F.3d 830, 833 (10th Cir. 2005). Furthermore, a § 2241 motion must be brought in the district in which a prisoner is confined. *Haugh v. Booker*, 210 F.3d 1147, 1149 (10th Cir. 2000). Because petitioner is not housed in the District of Kansas, petitioner's motion is not proper in this court.

Instead of dismissing petitioner's request outright, the court will construe it as a motion pursuant to § 2241. As such, the court orders the Clerk of the Court to open a civil case for petitioner's motion. The Clerk of the Court is further ordered to transfer the case to the appropriate district court—the Eastern District of Texas.

IT IS THEREFORE ORDERED that petitioner's Writ Quo Warranto (Doc. 38) is construed as motion pursuant to 28 U.S.C. § 2241.

IT IS FURTHER ORDERED that the Clerk of the Court open a civil case and file petitioner's motion in the case.

IT IS FURTHER ORDERED that the civil case shall immediately be transferred to the Eastern District of Texas, the federal district court in the district in which petitioner is currently housed.

Dated this 12th day of August 2010, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge