

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHARLES A. HARPER,

Petitioner,

v.

L.C. WARD, Warden,
Federal Correctional Institution – Oxford,

Respondent.

ORDER

14-cv-371-wmc

Petitioner Charles A. Harper seeks habeas corpus relief under 28 U.S.C. § 2241 from the administration of the 151-month sentence that he received in *United States v. Harper*, 03-cr-238 (W.D. Mich. March 3, 2004). In particular, petitioner argues that he was removed from a Community Alternatives Program or halfway house and returned to the Federal Correctional Institution at Oxford following a disciplinary hearing in June 2013, after he tested positive for marijuana use.

Petitioner maintains that he did not use marijuana as a resident at the halfway house and that he is innocent of the disciplinary charges. He contends further that the disciplinary sanctions have unlawfully added a year to his sentence such that he is being held past his scheduled release date. He seeks an order granting him immediate release from imprisonment. Having reviewed all of the pleadings, the court will request an answer, motion or other response from the respondent.

ORDER

IT IS ORDERED that:

1. The clerk's office shall send a copy of the petition (dkt. # 1), the declaration in support (dkt. # 2), and this order to Warden Ward at FCI-Oxford, the local United States Attorney and the United States Attorney General by certified mail in accordance with Fed. R. Civ. P. 4(i).
2. Within 60 days from the date of service of the petition, respondent shall file an answer, motion or other responsive pleading and shall forward a copy to the petitioner. The answer, motion or other responsive pleading shall state the statutory authority for petitioner's detention in compliance with 28 U.S.C. § 2243. The answer, motion or responsive pleading must comply with Rule 5 of the Rules Governing Section 2254 Cases and must show cause, if any, why this writ should not issue. To the extent that records are necessary, the respondent need only supply the court with a copy of records that are relevant to the challenged conviction or sentence.
3. Whether respondent files an answer, a motion or other response, petitioner may have 30 days from the date shown on the certificate of service in which to file a reply or traverse if he wishes to submit one.
4. For the remainder of this lawsuit, petitioner must send respondent a copy of every paper or document that he files with the court. Once petitioner has learned what lawyer will be representing respondent, he should serve

the lawyer directly rather than respondent. The court will disregard any documents submitted by petitioner unless petitioner shows on the court's copy that he has sent a copy to respondent or to respondent's attorney.

5. Petitioner should keep a copy of all documents for his own files. If petitioner does not have access to a photocopy machine, he may send out identical handwritten or typed copies of his documents.

Entered this 9th day of June, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge