

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

JOHN J. McCARTHY

v.

Case No. 3:06mc322(PCD)

DIRECTOR OF FEDERAL BUREAU OF PRISONS

RULING AND ORDER

On May 2 2006, petitioner filed a motion for leave to file a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 challenging his federal conviction. For the reasons that follow, plaintiff's motion for leave is denied.

The court notes that petitioner is currently confined in the United States Penitentiary in Marion, Illinois. "Writs of habeas corpus may be granted by . . . the district courts . . . within their respective jurisdictions." 28 U.S.C. § 2241(a). The writs act upon the custodian who is holding the petitioner in allegedly unlawful custody. See 28 U.S.C. §2243; Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 494-95 (1973); Billiteri v. United States Bd. of Parole, 541 F.2d 938, 948 (2d Cir. 1976). In this case the petitioner's custodian is the Warden at the United States Penitentiary in Marion, Illinois, where the petitioner is confined. See Billiteri, 541 F.2d at 948 (proper person to be served in a habeas corpus action is the warden). Thus, the United States District Court for the District

