

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CRAIG A. HERL,

Petitioner,

Case Number: 06-13843

v.

HON. GEORGE CARAM STEEH

BUREAU OF PRISONS, ET AL.,

Respondent.

**ORDER DENYING PETITIONER'S "MOTION FOR EXPEDITED
EVIDENTIARY HEARING; MOTION FOR ISSUANCE OF WRIT;
HEARING; DECISION, PURSUANT TO 28 U.S.C. § 2243"**

Petitioner Craig A. Herl has filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner, who is currently confined at the Federal Correctional Institution in Milan, Michigan, challenges Federal Bureau of Prisons' (BOP) regulations and policies which limit the placement of federal prisoners in community corrections centers (CCCs). Petitioner has filed a "Motion for Expedited Evidentiary Hearing; Motion for Issuance of Writ; Hearing; Decision Pursuant to 28 U.S.C. § 2243."

Rule 8, Rules Governing Section 2254 Cases in the United States District Courts provides, in pertinent part:

[A]fter the answer and the transcript and record of state court proceedings are filed, [the Court] shall, upon a review of those proceedings and of the expanded record, if any, determine whether an evidentiary hearing is required. If it appears that an evidentiary hearing is not required, the judge shall make such disposition of the petition as justice shall require.

The Rules Governing Section 2254 cases may be applied at the discretion of the district court judge to petitions not filed under § 2254. See Rule 1(b), Rules Governing Section 2254

Cases. The Court concludes that an evidentiary hearing is not necessary for the just resolution of Petitioner's claims.

In his motion, Petitioner also asks the court to grant his petition under 28 U.S.C. § 2243. Section 2243 directs a court to dispose of a habeas petition "as law and justice require." 28 U.S.C. § 2243. The Court will review the petition and response and dispose of the petition in a timely manner. The Court will deny this portion of the motion without prejudice.

Accordingly, **IT IS ORDERED** that Petitioner's Motion for Expedited Evidentiary Hearing; Motion for Issuance of Writ; Hearing; Decision Pursuant to 28 U.S.C. § 2243" is **DENIED**. The denial is without prejudice to Petitioner's claims under 28 U.S.C. § 2243.

Dated: February 20, 2007

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on February 20, 2007, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk

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Accordingly, **IT IS ORDERED** that Petitioner's Motion for Expedited Evidentiary Hearing; Motion for Issuance of Writ; Hearing; Decision Pursuant to 28 U.S.C. § 2243" is **DENIED**. The denial is without prejudice to Petitioner's claims under 28 U.S.C. § 2243.

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