IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

MICHAEL C. KING (#211954),	)	
	)	
Petitioner,	)	
	)	
v.	)	**Case No. 3:16-cv-0194**
	)	
WARDEN JAMES HOLLOWAY,	)	**Judge Campbell**
	)	
Respondent.	)	

ORDER

Petitioner Michael C. King, a state prisoner incarcerated at the West Tennessee State Penitentiary, has filed a *pro se* petition for the writ of habeas corpus under 28 U.S.C. § 2241, asserting that he is being held in custody beyond his release eligibility date (ECF No. 1). The filing fee has been paid, and the habeas petition is before the Court for an initial review. *See* 28 U.S.C. § 2243.

As an initial matter, the Clerk is **DIRECTED** to substitute Warden James Holloway, in his official capacity, as the respondent in this action, since he is "the person who has custody over [the petitioner]." *Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004); 28 U.S.C. § 2242; Fed. R. Civ. P. 25(d).

Second, for the reasons explained in the accompanying Memorandum Opinion, the petition filed in this case is **DENIED** and this matter is **DISMISSED** for failure to exhaust state-court remedies. This dismissal is **WITHOUT PREJUDICE** to the petitioner's ability to refile a habeas petition that satisfies the requirements of all applicable law after the petitioner has exhausted his state-court remedies.

Because the petitioner's claims do not merit further review, the Court **DENIES** a Certificate of Appealability.

The Clerk is **DIRECTED** to serve a copy of the petition and this Order via certified mail on the respondent and the Attorney General of Tennessee.

It is so **ORDERED**.

This is a final judgment for purposes of Fed. R. Civ. P. 58.

Todd Campbell

TODD CAMPBELL
United States District Judge