

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION**

UNITED STATES OF AMERICA,)	
)	
)	
vs.)	Cause No. 4:11-cr-0011-TWP-MGN-1
)	
EUGENE C. THOMAS,)	
)	
Defendant.)	

ENTRY ON MOTION FOR MODIFICATION OF PAYMENT

This matter is before the Court on Defendant Eugene Thomas’s motion for modification of payment. Thomas requests that the Court order the prison where he is confined to permit him to pay the balance of his fine and assessment while he is on supervised release, rather than during his time in prison. The Judgment entered on the docket on July 17, 2012, (Dkt. 130) provides that the total criminal monetary penalties consisted of the \$100.00 mandatory special assessment fee and a \$1,000.00 fine. (Dkt. 130, pg. 5). The Judgment further states that the payment of the defendant’s total criminal monetary penalties shall “begin immediately.” (Dkt. 130, pg. 6). In addition, “[t]he defendant shall pay any fine that is imposed by this judgment and that remains unpaid at the commencement of the term of supervised release.” (Dkt. 130, pg. 4).

Thomas’s motion for modification of payment (Dkt. 141) is properly treated as a challenge to the execution of his sentence under 28 U.S.C. § 2241, which must be brought in the district of confinement. *See Wyatt v. United States*, 574 F.3d 455, 460 (7th Cir. 2009) (“the proper venue for filing a § 2241 petition is the district in which the prisoner is confined.”); *Matheny v. Morrison*, 307 F.3d 709, 712 (8th Cir. 2002) (claims that challenge the BOP’s payment schedule concern the execution of sentence, and are therefore correctly brought under section 2241); *Ihmoud v. Jett*, 272

Fed.Appx. 525, 526 (7th Cir. April 3, 2008) (unpublished) (same). Administrative exhaustion requirements apply to section 2241 actions. *Richmond v. Scibana*, 387 F.3d 602, 604 (7th Cir. 2004).

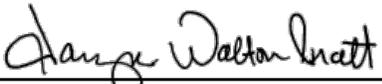
This Court lacks subject matter jurisdiction over the petitioner's challenge, and therefore his motion (Dkt. 141), as filed in this forum, is **denied for lack of jurisdiction**. Thomas is free to consider exhausting his administrative remedies and then bringing a section 2241 proceeding in the district wherein he is confined for that court's review.

IT IS SO ORDERED.

Date: 9/29/2014

Distribution:

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Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana