

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

HEATHER MOORE,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 16-1913-RC
)	
)	
TOM WHEELER,)	
)	
)	
Respondent.)	

MEMORANDUM OPINION

This action was commenced by the filing of a Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241. For the following reasons, the petition will be denied and this case will be dismissed.

A court entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.

28 U.S.C. § 2243.

The petitioner, Heather Moore, has named the Commissioner of the Federal Communications Commission (“FCC”) as the respondent, listed her place of confinement as the FCC, and claimed that her “custody” is based on an “FCC Administrative Ruling.” Pet. at 1. “[T]he essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and . . . the traditional function of the writ is to secure release from illegal custody.” *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973); *see generally* § 2241 (“Power to grant writ”).

Dismissal is required because petitioner is not a “prisoner” in custody by virtue of “order, process, judgment or decree of a court or judge of the United States” or that of a state court. *Id.* § 2241(c). A separate Order accompanies this Memorandum Opinion.

_____/s/_____
RUDOLPH CONTRERAS
United States District Judge

DATE: September 30, 2016