

**UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA**

Ludwig v. Hill

No. 3:25-cv-01144-RBM-DDL (S.D. Cal. May 14, 2025) · No. 3:25-cv-01144-RBM-DDL · Decided May 14,
2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF
CALIFORNIA 10 11 KENNETH JAMES LUDWIG, Case No.: 3:25-cv-01144-RBM-DDL
CDCR #BU-3868 12 ORDER DISMISSING HABEAS Petitioner, 13 PETITION WITHOUT
PREJUDICE v. 14 [Doc. 1] JAMES HILL, Warden, 15 Respondent. 16 17 18 On May 5, 2025,
Petitioner Kenneth James Ludwig (“Petitioner”), a state prisoner 19 incarcerated at the Richard J.
Donovan Correctional Facility in San Diego, California, 20 proceeding pro se, filed a Petition for
a Writ of Habeas Corpus pursuant to 28 U.S.C. 21 § 2241 (“Habeas Petition”) and paid the \$5.00
filing fee.

(Doc. 1.) Petitioner seeks a 22 modification of his state criminal sentence to allow for
compassionate release from state 23 custody. (Id. at 2–3.) 24 Petitioner argues that federal courts
have authority to order compassionate release 25 from custody. (Doc. 1 at 2 (citing *United States*
v. Zukerman, 451 F.Supp.3d 329 (S.D.N.Y. 26 2020)).)

However, Congress only authorized federal courts to grant compassionate release 27 to federal
prisoners when “extraordinary and compelling reasons” warrant a reduction in 28 sentence, see 18
U.S.C. § 3582(c)(1)(A)(i), and Petitioner is not a federal inmate serving a 1 || federal sentence. 2
Further, because Petitioner is a state prisoner attacking the validity of a state 3 || sentence, he may
not proceed under 28 U.S.C. § 2241; he may only proceed with a habeas 4 action in federal court
under 28 U.S.C. § 2254.

See *White v. Lambert*, 370 F.3d 1002, 5 || 1006-07 (9th Cir. 2004) (explaining that 28 U.S.C. §
2254 is the proper jurisdictional basis 6 ||for a habeas petition brought by an individual in state
custody pursuant to a state court 7 || judgment). 8 Accordingly, the Court DISMISSES Petitioner’s
Habeas Petition without 9 || prejudice.! 10 IT IS SO ORDERED. 11 ||}|DATE: May 14, 2025 12
Kept Baertasdls, Notting 2 13 ON.

RUTH BERMGDEZ! MONTENEGRO UNITED STATES DISTRICT JUDGE 14 15 16 17 18 19
20 21 22 23 24 25 26 | 27 ||! The Court notes that Petitioner filed a habeas petition pursuant to 28
U.S.C. § 2254 the ag || Same day he filed the instant Habeas Petition. (See Case No. 3:25-cv-
01151-AJB-KSC, Doc. 1.)

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