

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT OWENSBORO**

CLYDE TINSLEY

PLAINTIFF

v.

CIVIL ACTION NO. 4:16CV-P27-JHM

HENDERSON COUNTY DETENTION CENTER et al.

DEFENDANTS

MEMORANDUM OPINION AND ORDER

Plaintiff Clyde Tinsley, a pre-trial detainee at the Henderson County Detention Center, filed the instant pro se 42 U.S.C. § 1983 action proceeding in forma pauperis. Upon initial screening of the action, the Court dismissed some of the claims and allowed Plaintiff to amend the complaint to name specific individuals whom he alleges are responsible for the alleged constitutional violations. In addition, because Plaintiff sought release from custody in his prayer for relief, the Court directed the Clerk of Court to send Plaintiff forms for filing a petition for writ of habeas corpus under 28 U.S.C. §§ 2241 and 2254 and instructed Plaintiff that he must determine which form meets his needs.


Subsequently, Plaintiff filed a petition for writ of habeas corpus under § 2241 (DN 27) and an application to proceed without prepayment of fees (DN 28). These filings were docketed in the instant action. However, the petition for writ of habeas corpus is a separate civil action, and a new action must be opened.

Accordingly, the **Clerk of Court SHALL OPEN a separate civil action** and docket therein the petition for writ of habeas corpus (DN 27) and application to proceed without prepayment of fees (DN 28) as of the date they were filed in the instant action.

The Clerk of Court is **DIRECTED** to send Plaintiff a copy of the docket sheet in the newly opened action. **Plaintiff shall include that civil action number in the caption of any documents he wishes to file in that habeas case.**

IT IS SO ORDERED.

Date: November 1, 2016


Joseph H. McKinley, Jr., Chief Judge
United States District Court

cc: Plaintiff, pro se
Henderson County Attorney
4414.010