

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

MICHAEL GAZICH,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 3:23-cv-614-HEH
)	
STATE OF SOUTH CAROLINA,)	
GREENVILLE COUNTY,)	
)	
Respondent.)	

**MEMORANDUM OPINION
(Dismissing Action Without Prejudice)**

Petitioner Michael Gazich (“Petitioner”), a South Carolina inmate proceeding *pro se*, submitted a “Motion Farretta Hearing.” (the “Motion,” ECF No. 1.) Petitioner indicated that the matter is in the “Court of Common Pleas,” but he very clearly addressed his mail to the United States District Court for the Eastern District of Virginia. (Mot. at 1; Attachment at 1, ECF No. 1-9.) Given the content of this document, the Court found it appropriate to give Petitioner the opportunity to pursue this action as a petition for a writ of habeas corpus under 28 U.S.C. § 2254. *See Rivenbark v. Virginia*, 305 F. App’x 144, 145 (4th Cir. 2008). By Memorandum Order (ECF No. 2) entered on October 6, 2023, the Court mailed Petitioner a § 2254 form and directed him to return it to the Court within twenty (20) days. (*Id.* at 1–2.)

On October 27, 2023, the United States Postal Service returned the October 6, 2023 Memorandum Order to the Court marked, “RETURN TO SENDER” and “NOT DELIVERABLE AS ADDRESSED” because Petitioner apparently has relocated. (ECF

No. 3.) Since that date, Petitioner has not provided the Court with a current address. Accordingly, the action will be dismissed without prejudice.

An appropriate order will accompany this Memorandum Opinion.



/s/
Henry E. Hudson
Senior United States District Judge

Date: Nov. 16, 2023
Richmond, Virginia