

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

MICHAEL SCOTT REEDER, # 232010,	)	
	)	
Petitioner,	)	
	)	
v.	)	Civil Action No. 2:13cv171-WHA
	)	(WO)
KIM THOMAS, <i>et al.</i> ,	)	
	)	
Respondents.	)	

**ORDER**

On March 14, 2013, Petitioner, a state inmate, submitted a document to this court styled as “Plaintiff’s Notice of Intent to Commence Federal Complaint Against Unlawful Confinement.” Doc. No. 1. In that document, Petitioner indicated his intention to initiate an action under 28 U.S.C. § 2254 challenging the constitutionality of his conviction and sentence imposed by the Circuit Court of Lowndes County, Alabama. Petitioner’s submission was docketed as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, and on March 25, 2013, the Magistrate Judge entered an order advising Petitioner that if he wished to proceed in this action, he should file an amended § 2254 petition on or before April 24, 2013, using the proper form for filing such petition and setting forth every ground on which he claims he is entitled to federal habeas relief. Doc. No. 4.

Also on March 14, 2013, Petitioner filed a document styled as a “Notice of Intent to Commence Complaint of Unlawful Confinement and Pleadings for Leave of Court to Grant Pre-Action Filings.” Doc. No. 2. The Magistrate Judge denied that motion to the extent

Petitioner sought leave of court to grant pre-action filings. Doc. No. 5. In addition, Petitioner filed a document styled as “Plaintiff’s Motion for Order Imposing Deadline to File Petition Pursuant to 28 U.S.C. § 2254.” Doc. No. 3. That motion was also denied by the Magistrate Judge. Doc. No. 6.

On April 4, 2013 (Doc. No. 9), Petitioner filed a motion containing objections to the court’s docketing of his “Notice of Intent to Commence Federal Complaint Against Unlawful Confinement” as a § 2254 petition and to the Magistrate Judge’s order directing him to file an amended § 2254 petition on or before April 24, 2013, if he wished to proceed in this action. Petitioner adamantly maintains that he has not yet initiated habeas corpus proceedings and that he does not wish any of his pleadings to be construed as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. *Id.* In addition, he objects to the Magistrate Judge’s orders denying his “Notice of Intent to Commence Complaint of Unlawful Confinement and Pleadings for Leave of Court to Grant Pre-Action Filings” and his “Motion for Order Imposing Deadline to File Petition Pursuant to 28 U.S.C. § 2254.” *Id.*

Under the circumstances, and because this court lacks authority to entertain “pre-action filings” of the sort submitted by Petitioner prior to the filing of a habeas corpus petition, it is hereby ORDERED as follows:

1. Petitioner’s objections (Doc. No. 9) are OVERRULED.

2. The instant action is DISMISSED without prejudice, for want of prosecution.

Done this 17<sup>th</sup> day of April, 2013.

/s/ W. Harold Albritton  
W. HAROLD ALBRITTON  
SENIOR UNITED STATES DISTRICT JUDGE