1		
2		
3		
4		
5		
6		
7	UNITED STATES DISTRICT COURT	
8	FOR THE EASTERN DISTRICT OF CALIFORNIA	
9		
10	DEANIJINIQUE CAIL,	No. 2:13-cv-1898-EFB P
11	Petitioner,	
12	V.	<u>ORDER</u>
13	JULIE A. NICKLIN,	
14	Respondent.	
15		
16	Petitioner, a federal prisoner proceeding without counsel, has filed a letter contending that	
17	the Bureau of Prisons has refused to give her time off her sentence despite her successful	
18	completion of a residential drug treatment program. Thus, it appears that she wishes to challenge	
19	the execution of her sentence through a petition for a writ of habeas corpus under 28 U.S.C.	
20	§ 2241. <sup>1</sup>	
21	In order to properly commence an action, however, petitioner must file an application for	
22	a writ of habeas corpus as required by 28 U.S.C. § 2242, and petitioner must either pay the	
23	required filing fee or file an application requesting leave to proceed in forma pauperis. See 28	
24	U.S.C. §§ 1914(a), 1915(a). The court will not issue any orders granting or denying relief until an	
25	action has been properly commenced.	
26		
27	<sup>1</sup> This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1) and is before the undersigned pursuant to petitioner's consent. <i>See</i> 28 U.S.C. § 636; <i>see also</i> E.D. Cal. Local Rules, Appx. A, at (k)(4).	
28		
		1

1	Accordingly, IT IS HEREBY ORDERED that:	
2	1. Petitioner is granted thirty days from the date of service of this order to file an	
3	application for a writ of habeas corpus in accordance with the requirements set forth in	
4	28 U.S.C. § 2241, and the application must include the docket number assigned to this	
5	case.	
6	2. Petitioner shall also submit, within thirty days from the date of this order, an	
7	application to proceed in forma pauperis on the form provided by the Clerk of Court,	
8	or the filing fee in the amount of \$5.00.	
9	3. Petitioner's failure to comply with this order will result in a dismissal of this action.	
10	4. The Clerk of the Court is directed to send petitioner the court's form for filing a	
11	petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 by a person in federal	
12	custody, and the application to proceed in forma pauperis by a prisoner.	
13	Dated: October 15, 2013.	
14	Elming F-Bieman	
15	EDMUND F. BRENNAN UNITED STATES MAGISTRATE JUDGE	
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		