

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

ROBERT A. HULL,

Petitioner,

v.

CASE NO. 1:08-cv-229-MMP-AK

GEORGE BUSH, et al.,

Respondents.

ORDER

This cause is before the Court on Petitioner's amended petition for writ of habeas corpus. Doc. 10. Petitioner has paid the filing fee. In his amended petition, Petitioner challenges his continued pretrial detention. Petitioner states that he has sought administrative review of his claims, but that to date he has received "no response."

A pretrial detainee seeking § 2241 habeas relief must exhaust administrative remedies before filing suit in this Court. *Skinner v. Wiley*, 355 F.3d 1293, 1295 (11th Cir.), *cert. denied*, 124 S.Ct. 2112, 158 L.Ed. 2d 722 (2004). Where the available administrative remedies are unavailable or wholly inappropriate to the relief sought or where an attempt at exhaustion would be patently futile, exhaustion may be excused. *Fuller v. Rich*, 11 F.3d 61 (5th Cir. 1994). However, "exceptions to the exhaustion requirement apply only in 'extraordinary circumstances,'" *id.* (citation omitted), and the petitioner bears the burden of demonstrating the futility of administrative review. *Id.*

Because the Court cannot tell from Petitioner's "no response" answers to the exhaustion questions, it requires supplementation from him to determine whether exhaustion might be excused. This requires Petitioner to an affidavit which is either notarized or sworn to under penalty of perjury advising the Court of the date or dates on which he sought administrative or court review of his detention and the result, if any, of those proceedings and to submit, if available, copies of any documents supporting Petitioner's affidavit statements. The Court also believes it appropriate to advise Petitioner's public defender of this action, and therefore, Petitioner should supply the name, address, and telephone number of his state court counsel as well.

Accordingly, it is **ORDERED**:

That, no later than **April 6, 2009**, Petitioner shall submit a supplement to his amended petition as outlined in the body of this order.

DONE AND ORDERED this 3rd day of March, 2009.

s/ A. KORNBLUM

ALLAN KORNBLUM
UNITED STATES MAGISTRATE JUDGE