

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

SEAN M SAGE,

Petitioner,

v.

CASE NO. 1:12-cv-47-MP-GRJ

SECRETARY, DOC, et al.,

Respondents.

_____ /

ORDER

This matter is before the Court on Doc. 1, a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. This action was filed in the Middle District of Florida and pursuant to an order dated February 27, 2012 the case was transferred to this district. The docket does not reflect that Petitioner has either paid the \$5.00 filing fee or filed a motion for leave to proceed as a pauper. Additionally, the Petitioner did not file his petition on the Court's form for state prisoners and attempts to bring this action pursuant to 28 U.S.C. § 2254. However, because Petitioner challenges the computation of his gain time the action must be brought under 28 U.S.C. § 2241. Accordingly, Petitioner must file an amended petition on the correct form and further consideration of the petition will be deferred until payment is received or Petitioner is granted leave to proceed as a pauper.

Accordingly, it is **ORDERED AND ADJUDGED** that:

- 1 The Clerk shall send Petitioner a blank 28 U.S.C § 2241 petition form and an application for leave to proceed as a pauper.
2. Petitioner shall have until **on or before March 30, 2012**, to either file an application for leave to proceed as a pauper or to pay the \$5.00 filing fee.

3. Petitioner shall have until **on or before March 30, 2012**, to file his amended petition on the proper forms, along with two identical service copies.
4. **Failure to comply with this order as instructed, or to show cause as to why Petitioner is unable to comply, may result in the dismissal of this case for failure to prosecute and failure to comply with an order of this court.**

DONE AND ORDERED this 29th day of February 2012.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge