

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

TODD A. MEUIR,  
Petitioner,

vs.

Case No. 3:07cv65/LAC/EMT

STATE OF FLORIDA,  
Respondent.

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**ORDER**

This cause is before the court upon Petitioner's filing a handwritten petition for writ of habeas corpus (Doc. 1). The court notes that Petitioner has neither applied for leave to proceed in forma pauperis nor paid the filing fee. Before this matter may proceed, Petitioner must either pay the filing fee or obtain leave to proceed in forma pauperis by filing a fully and properly completed application and attachments.

Additionally, Petitioner failed to use the court-approved form for filing his habeas petition. Local Rule 5.1(J) for the Northern District of Florida states that the court will not accept for consideration an application for writ of habeas corpus unless the appropriate petition form is properly completed and filed. In the instant petition, Petitioner states he is incarcerated in the Okaloosa County Jail awaiting trial on pending criminal charges. Because he is a pre-trial detainee, the proper statutory vehicle for bringing his claims challenging his detention is 28 U.S.C. § 2241. Accordingly, he must file an amended petition on the form for use in § 2241 cases. Petitioner is advised that the amended petition must contain all of his allegations, and it should not in any way refer to the original petition. Once an amended petition is filed, all earlier petitions are disregarded. N.D. Fla. Loc. R. 15.1.

Accordingly, it is **ORDERED**:

1. The clerk is directed to send to Petitioner an application to proceed in forma pauperis and a form for use in § 2241 cases. This case number should be written on the forms.

2. Within **THIRTY (30) DAYS** from the date of docketing of this order, Petitioner shall either pay the filing fee of \$5.00 or submit a fully completed application to proceed in forma pauperis. Additionally within that time, Petitioner shall file an amended petition as instructed in this order. Petitioner should completely fill out the new petition form, marking it "Amended Petition."

3. Petitioner's failure to comply with this order may result in a recommendation of dismissal of this action for failure to comply with an order of the court.

**DONE AND ORDERED** this 14<sup>th</sup> day of February 2007.

*/s/ Elizabeth M. Timothy*

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**ELIZABETH M. TIMOTHY**  
**UNITED STATES MAGISTRATE JUDGE**