

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

STEACYANNE REIGN,
Petitioner,

vs.

Case No.: 3:08cv505/RV/EMT

WALTER A. McNEIL, Secretary,
Respondent.

ORDER

Petitioner has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (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, the court notes that Petitioner failed to file her petition on the court-approved forms for use in section 2254 cases. 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 under section 2254 unless the appropriate petition form is properly completed and filed. Thus, Petitioner must file an amended petition on the form for use in section 2254 cases. Petitioner is advised that the amended petition must contain all of her allegations, and it should not in any way refer to the original pleading. The amended petition completely replaces all previous petitions; when an amended petition is filed, all earlier petitions are disregarded. Local Rule 15.1, Northern District of Florida. Additionally, Petitioner must submit a complete copy for each named Respondent and for the Attorney General of the State of Florida. Therefore, Petitioner must submit two (2) complete copies of the amended petition, including attachments.

Finally, Petitioner improperly identified the Secretary of the Department of Corrections as William O'Neal, instead of Walter A. McNeil. Therefore, the clerk will be directed to change the docket to correctly identify the Respondent as Walter A. McNeil.

Accordingly, it is **ORDERED**:

1. The clerk is directed to send to Petitioner an application to proceed in forma pauperis and a copy of the form for use in Section 2254 cases. This case number should be written on the forms. Additionally, the clerk shall change the docket to correctly identify the Respondent as Walter A. McNeil.

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 file an amended habeas petition, which shall be typed or clearly written, submitted on the court form, and marked "Amended Petition," as well as two (2) service copies of the amended petition.

3. Petitioner's failure to comply with this order may result in a recommendation that this case be dismissed.

DONE AND ORDERED this 12th day of November 2008.

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY
UNITED STATES MAGISTRATE JUDGE