

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

EDMUND MAYE,

Petitioner,

v.

CASE NO. 4:08-cv-00577-SPM-AK

WALTER MCNEIL,

Respondent.

ORDER

This matter is before the Court on Doc. 6, Motion for Leave to Amend, filed by Edmund Maye. Respondent has not been directed to file an answer yet, and therefore, Petitioner does not need leave of this Court to file an amended petition for writ of habeas corpus. The motion is therefore **MOOT**. In reaching this conclusion, the Court expresses no opinion on the merits of an amended petition or whether the added claims will be timely since Petitioner did not submit a copy of the proposed amended petition or otherwise advise the Court of the nature of the proposed amendments.

If Petitioner submits an amended petition, he should do so expeditiously, and he is reminded that the amended petition must specify all the grounds for relief available to the petitioner; state the facts supporting each ground; state the relief requested; be printed, typewritten, or legibly handwritten; and be signed under penalty of perjury by the petitioner or by a person authorized to sign it for the petitioner under § 2242. § 2254 Rule 2(c)(1)-(5); *see also* N.D. Fla. Loc. R. 5.1(J)(3) (petition should not make reference to memorandum but must set

forth claims and facts on form). The second amended petition must be filed in its entirety, incorporating all amendments, as matters not set forth in the second amended petition are deemed abandoned. Loc. R. 15.1.

The Clerk is **DIRECTED** to forward to Petitioner four § 2254 forms for his use if he decides to file an amended petition.

DONE AND ORDERED this 28th day of January, 2008.

s/ A. KORNBLUM

ALLAN KORNBLUM
UNITED STATES MAGISTRATE JUDGE