

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

JAMES JENNINGS,	:	
	:	
Petitioner	:	
	:	
VS.	:	CIVIL ACTION NO. 5:10-CV-343 (MTT)
	:	
STATE OF GEORGIA,	:	
	:	
Respondent	:	<u>ORDER</u>
_____	:	

Petitioner, **JAMES JENNINGS**, an inmate at Hancock State Prison in Sparta, Georgia, filed a *pro se* “Petition for Writ of Certiorari to the United States Court of Appeals for the Eleventh Circuit.” In this petition, he explained that the Mitchell County Superior Court held that his “rights to the effective assistance of counsel were not denied” and that “the prosecutor, in closing arguments[,] did not violate the petitioner’s Fifth Amendment Rights.” Petitioner requested this Court to “review [the] judgment of the Mitchell County Superior Court” entered on October 14, 2009.

In an Order dated September 23, 2010, the Court explained to petitioner that it did not have jurisdiction to hear appeals from the Mitchell County Superior Court and that any appeal from the state superior court should be filed in the appropriate state appellate court—either the Georgia Court of Appeals or the Supreme Court of Georgia. However, the Court also explained that if petitioner wished to file a habeas corpus action in this Court challenging his state court conviction, he could do so pursuant to 28 U.S.C. § 2254. The Court informed petitioner that if he wanted to file such an application for writ of habeas corpus, he had to complete the standard

habeas corpus form required by the Court and either pay the \$5.00 filing fee or request to proceed *in forma pauperis*. The Court forwarded the appropriate forms to petitioner and advised him to complete and return the forms to the Court no later than October 12, 2010. The Court specifically instructed petitioner that “failure to submit the forms or comply with these instructions will result in immediate dismissal of this action.”

Petitioner has failed to respond to the Court’s Order. Petitioner has not submitted the standard 28 U.S.C. § 2254 form; nor has he paid the filing fee or submitted a request to proceed *in forma pauperis*. Because of his failure to comply with the Court’s instructions, petitioner’s action is hereby **DISMISSED WITHOUT PREJUDICE**.

SO ORDERED, this 22nd day of October, 2010.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

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