

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

JEFFREY ALLEN PENNINGTON,

Petitioner,

VS.

TWIGGS COUNTY GEORGIA,

Respondent.

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CIVIL NO. 5:14-CV-0244-MTT-MSH

ORDER

A pleading has been filed in this Court on behalf of Petitioner Jeffrey Allen Pennington, a prisoner confined at the Twiggs County Jail. Because the pleading requests relief only available by writ of habeas corpus, it is construed as a petition for federal habeas corpus relief under 28 U.S.C. § 2241. The petition, however, was not drafted or signed by Petitioner, but was instead prepared and filed by Petitioner's wife. It is unclear whether Petitioner is even aware that the action has been filed, and the petition does not include any explanation as to why Petitioner is unable prosecute the action on his own behalf. The undersigned thus finds that Petitioner's wife lacks standing to bring this action. See *Francis v. Warden, FCC Coleman-USP*, 246 F. App'x 621, 622-23 (11th Cir. 2007) (citing *Whitmore v. Arkansas*, 495 U.S. 149, 163, 110 S.Ct. 1717, 1727, 109 L.Ed.2d 135 (1990)). The petition is therefore **DISMISSED** without prejudice.

In the event Petitioner wishes to file a petition for writ habeas corpus, he is directed to complete a standard form petition and submit it to this Court – with either payment of the required filing fee or a motion for leave to proceed *in forma pauperis*. Petitioner

should note, however, that a state prisoner is generally required to “exhaust available state judicial remedies before a federal court will entertain his petition for habeas corpus.” *Picard v. Connor*, 404 U.S. 270, 275 (1971) (citing *Ex Parte Royall*, 117 U.S. 241 (1886)). Therefore, Petitioner should not file a federal habeas corpus action challenging his current confinement until after he has fully exhausted all remedies available to him in the state courts.

SO ORDERED, this 2nd day of July, 2014.

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

jlr