

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

UNITED STATES DISTRICT COURT 2006 AUG 17 AM 9: 57

SOUTHERN DISTRICT OF GEORGIA CLERK 
SO. DIST. OF GA.

SAVANNAH DIVISION

TYRON A. STAFFORD,)

Petitioner,)

v.)

Case No. CV406-198

AL ST. LAWRENCE,)

Respondent.)

REPORT AND RECOMMENDATION

Petitioner has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 and a motion to proceed without prepayment of the \$5.00 filing fee. Docs. 1, 2. As it appears that petitioner lacks the resources to pay the filing fee, his motion to proceed *in forma pauperis* is GRANTED.

In the instant § 2254 petition, petitioner lists five grounds for relief but submits no factual allegations for consideration by the Court. Instead, petitioner simply references and loosely quotes from the Fourth, Fifth, Sixth, Eighth, and Fourteenth Amendments without any explanation of how those constitutional provisions were infringed. Such conclusory allegations, unsupported by any facts, do not comply with the rules

governing § 2254 proceedings¹ or entitle petitioner to any relief. See Blackledge v. Allison, 431 U.S. 63, 75 n.7 (1977) (noting that notice pleading is not sufficient for habeas petition) (citing Advisory Committee Note to Rule 4, Rules Governing Section 2254 Cases); Beard v. Clarke, 18 Fed. Appx. 530, 531, 2001 WL 1006104, *1 (9th Cir. Aug. 29, 2001) (affirming dismissal of habeas petition which raised conclusory allegations unsupported by any facts); Rule 2, Rules Governing § 2254 Cases (requiring petitioner to state “facts supporting each ground” and “relief requested”). A § 2254 petition devoid of any factual support is subject to dismissal without prejudice.

Accordingly, the Court recommends that the instant petition be **DISMISSED** without prejudice for failure to present any factual allegations for relief.

SO REPORTED AND RECOMMENDED this 16th day of August, 2006.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA

¹Petitioner has also ignored the clear instructions on his § 2254 form petition, which emphasizes: “Summarize briefly the facts supporting each ground.” Doc. 1 at 5 (emphasis in original).