

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

DUSTIN McMILLAN,)	
)	
Petitioner,)	
)	
v.)	Case No. CV411-238
)	
SHERIFF CLYDE R. SMITH,)	
)	
Respondent.)	


ORDER

On September 12, 2011, Dustin McMillan filed a 28 U.S.C. § 2241 petition with the United States District Court for the Northern District of Georgia. (Doc. 1.) That court construed the petition as arising under 28 U.S.C. § 2254, not § 2241, and then transferred the case to this District. (Doc. 2.) McMillan, however, has not used the appropriate form for pursuing habeas relief in this Court.

Rule 2(d) of the Rules Governing Section 2254 Cases states that “the petition must substantially follow either the form appended to these rules or a form prescribed by local district-court rule.” Since McMillan did not use the correct form, the Court, mindful of petitioner’s *pro se* status,

DIRECTS the Clerk to mail him the standard form developed for prisoners who wish to challenge the constitutionality of their convictions under 28 U.S.C. § 2254. McMillan shall have 30 days from the date of this Order to submit his revised petition. Should he fail to do so, the Court will recommend that this case be dismissed.

SO ORDERED this 4th day of October, 2011.


UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA