

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

DEVON JOSEPH ANDERSON,

Petitioner,

v.

RUSSELL ROSS and ASHLEY
DOWELL,

Respondents.

Case No. 1:24-cv-00602-REP

INITIAL REVIEW ORDER

Petitioner Devon Joseph Anderson, an inmate in the custody of the Idaho Department of Correction, has filed a Petition for Writ of Habeas Corpus challenging the revocation of his parole. *See* Dkt. 1. The Court must review each habeas corpus petition upon receipt to determine whether the petition is subject to summary dismissal pursuant to 28 U.S.C. § 2243 and Rule 4 of the Rules Governing Section 2254 Cases (“Habeas Rules”).

Petitioner has not complied with Habeas Rule 2(d), which requires any habeas petition brought pursuant to 28 U.S.C. § 2254 to “substantially follow either the form appended to these rules or a form prescribed by a local district-court rule.” This Court has adopted a local form for § 2254 petitioners. Accordingly, within 28 days after entry of this Order, Petitioner must file an amended petition complying with Rule 2(d).

Petitioner should also be aware that Ashley Dowell, the Director of the Idaho Parole Commission, does not appear to be an appropriate respondent. *See* Habeas Rule

2(a) (stating that the proper respondent in a habeas corpus action under 28 U.S.C. § 2254 is the “officer who has custody” of the petitioner); *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004) (stating that a petitioner challenging his present physical confinement must name as respondent “the warden of the facility where the prisoner is being held”). For this reason, Petitioner may wish to omit Ms. Dowell from any amended petition.

ORDER

IT IS ORDERED:

1. Within 28 days after entry of this Order, Petitioner must file an amended petition that complies with Habeas Rule 2(d). The Clerk of Court will provide Petitioner with this Court’s form § 2254 petition, and Petitioner is encouraged and expected to use that form to draft any amended petition. If Petitioner does not file a timely amended petition, this case may be reassigned to a United States District Judge for consideration of dismissal.
2. Alternatively, Petitioner may file a Notice of Voluntary Dismissal if he no longer intends to pursue this case.



DATED: January 29, 2025

A handwritten signature in cursive script, reading "Raymond E. Patricco".

Honorable Raymond E. Patricco
Chief U.S. Magistrate Judge