

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**BENNIE K. ELLISON,
No. R00575,**

Petitioner,

vs.

MARC HODGE,

Respondent.

Case No. 13-cv-01186-DRH

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

Introduction and Background

Petitioner Bennie K. Ellison is in the custody of the Illinois Department of Corrections. Ellison filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, attacking his state conviction(s) and seeking exoneration and immediate release from prison (Doc. 1). After a preliminary review of the petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in United States District Courts, the petition was dismissed without prejudice and with leave to amend by February 21, 2014 (Doc. 7). The Court noted that, in addition to the petition mirroring Ellison's pending civil rights action, it appeared that he had not exhausted state remedies before filing his petition. Accordingly, petitioner was warned that failure to file an amended petition would result in the dismissal of this action without prejudice. Ellison has elected not to file an amended petition.

IT IS THEREFORE ORDERED that the petition (Doc. 1) is **DISMISSED** without prejudice. Judgment shall enter accordingly and this action will be closed. The pending motion for leave to proceed *in forma pauperis* (Doc. 2) shall be **DENIED AS MOOT**.

IT IS SO ORDERED.

Signed this 4th day of March, 2014.

 Digitally signed by
David R. Herndon
Date: 2014.03.04
16:38:33 -06'00'



**Chief Judge
United States District Court**