

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

**JAMES D. MARKS,  
# 06023-033,**

**Petitioner,**

**vs.**

**Case No. 14-cv-299-DRH**

**JAMES N. CROSS,**

**Respondent.**

**MEMORANDUM AND ORDER**

**HERNDON, Chief District Judge:**

This case was opened on March 3, 2014, when petitioner filed an “Amended Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241” (“amended petition”) (Doc. 1). Petitioner paid his \$5.00 filing fee for this action on March 14, 2014. Upon review of the amended petition and petitioner’s litigation history, it is clear that the instant pleading should have been filed as an “amended petition” in *Marks v. Cross*, No. 14-cv-99 (S.D. Ill. filed January 28, 2014) (“prior action”). This Court dismissed the original petition that was filed in the prior action on February 20, 2014. However, the dismissal was without prejudice, and petitioner was granted leave to file an amended petition under § 2241 on or before March 19, 2014. Petitioner filed the amended petition prior to that deadline. In substance, the amended petition is quite clearly related to the original petition filed in the prior action.

Accordingly, the **CLERK** is **DIRECTED** to **CLOSE** this case and refund petitioner's \$5.00 filing fee. Further, the **CLERK** is **DIRECTED** to file the amended petition (Doc. 1) in the habeas action entitled, *Marks v. Cross*, No. 14-cv-99 (S.D. Ill. January 28, 2014).

**IT IS SO ORDERED.**

Signed this 25th day of March, 2014.

 Digitally signed  
by David R.  
Herndon  
Date: 2014.03.25  
14:21:19 -05'00'



**Chief Judge**  
**United States District Court**