

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

**JACOB WASHINGTON,
Petitioner,**

vs.

Case No. 17–cv–690-DRH

JOE HARPER

Defendants.

MEMORANDUM AND ORDER

HERNDON, District Judge:

Petitioner Jacob Washington, a resident at Chester Mental Health Center, filed the instant action on June 30, 2017. (Doc. 1). On July 17, 2017, Petitioner filed an Amended Petition. (Doc. 3). The action was opened as a Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254. However, after reviewing the Amended Petition, the Court could not determine the nature of Washington's claims and the relief being sought.¹ Accordingly, the Court dismissed the Amended Petition without prejudice and ordered as follows:

IT IS FURTHER ORDERED that Washington is **GRANTED** leave to file an amended pleading on or before October 25, 2017. The ultimate filing fee due will be based on the nature of the action filed. Failure to file an amended pleading will result in this action being dismissed without prejudice. Washington is free to file multiple actions if, for example he wants to file both a civil rights action and a habeas corpus petition—but each would be a separate case and separate filing fees would be assessed.

¹ The Court could not discern whether Washington intended to file a civil rights action pursuant to 42 U.S.C. § 1983, a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241, a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, or some combination thereof.

(Doc. 5).

To enable Washington to comply with this Order, the Clerk provided him with blank § 1983, § 2254, and § 2241 form pleadings (and corresponding instruction booklets).

The deadline has passed. Washington has not filed a response to the Court's order. In fact, he has not communicated with the Court at all.

As a result, the Petition is **DISMISSED** without prejudice for failure to prosecute this action. *See* Fed. R. Civ. P. 41(b).

The obligation to pay the filing fee was incurred on the date Washington filed this action. As this action was originally docketed as a *Habeas* Petition and Washington has not responded to the Court's Order, the Court will impose the filing fee associated with habeas actions, \$5.00.

Washington did not file an IFP Motion. However, he did file a trust fund account statement indicating that he is indigent. (Doc. 4). The Court treats this pleading as a motion to proceed IFP and grants the motion based on the financial

information provided.

The Clerk is **DIRECTED** to close this case and enter judgment accordingly.

IT IS SO ORDERED.

David R. Herndon



Digitally signed by
Judge David R. Herndon

Date: 2017.11.06

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United States District Judge