

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

DEREK BAILEY,)	
)	
Petitioner,)	
v.)	No. 1:10-cv-839-JMS-DKL
)	
D. L. STINE,)	
)	
Respondent.)	

Entry Directing Further Proceedings

I.

Habeas petitioner Derek Bailey has filed his amended petition for writ of habeas corpus. That document is now subject to the preliminary review.

Federal courts are authorized to dismiss summarily any habeas petition that appears legally insufficient on its face. *McFarland v. Scott*, 512 U.S. 849, 856 (1994). This authority is conferred by Rule 4 of the *Rules Governing Section 2254 Cases in United States District Courts*, which provides that upon preliminary consideration by the district court judge, "[i]f it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in the district court, the judge shall make an order for its summary dismissal and cause the petitioner to be notified." See *Small v. Endicott*, 998 F.2d 411, 414 (7th Cir. 1993).

The amended habeas petition supplies certain information, but is clearly lacking sufficient information from which the court can conduct the review required by Rule 4. He shall have through October 12, 2011, in which to supplement the amended petition for writ of habeas corpus by setting forth the following information:

1. What conviction is being challenged, meaning the date of the conviction, the nature of the offense, the court in which the conviction was entered, and the sentence imposed for the conviction?
2. What are the specific legal claims which he asserts to challenge the conviction?
3. What are the facts associated with each of the legal claims which he asserts?

4. Have the claims he asserts to challenge the conviction been presented to the Indiana state courts? If so, what was the result of doing so? If not, why not?

II.

A **copy** of the docket sheet and a copy of the amended petition for writ of habeas corpus shall be included with the petitioner's copy of this Entry.

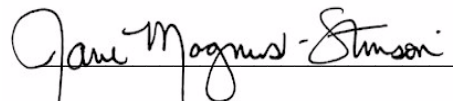
IT IS SO ORDERED.

Date: 09/12/2011

Distribution:

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Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Note to Clerk: Processing this document requires actions in addition to docketing and distribution.