

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

NOBLE KOBIE COLE-BEY,)	
)	
Petitioner,)	
v.)	No: 1:12-cv-351-JMS-DML
)	
SUPERINTENDENT, Plainfield)	
Correctional Facility,)	
)	
Respondent.)	

Entry Concerning Selected Matters

I.

The petitioner’s custodian, named in his official capacity only and as shown in the caption above, is substituted as the respondent in this action.

II.

The petitioner shall have through April 11, 2012, in which to either pay the five dollar filing fee for this action or demonstrate his financial inability to do so.

III.

“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*.

“Before seeking a federal writ of habeas corpus, a state prisoner must exhaust available state remedies.” *Baldwin v. Reese*, 541 U.S. 27, 29 (2004)(citing 28 U.S.C. §2254(b)(1)). Accordingly, "when examining a habeas corpus petition, the first duty of a district court . . . is to examine the procedural status of the cause of action." *United States ex rel. Simmons v. Gramley*, 915 F.2d 1128, 1132 (7th Cir. 1990).

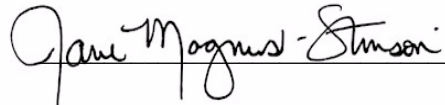
The petitioner shall have **through April 11, 2012**, in which to **supplement** his petition for a writ of habeas corpus by stating whether and how he has exhausted available state judicial remedies.

IT IS SO ORDERED.

Date: 03/21/2012

Distribution:

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