

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

DAVID J. NELSON,)	
)	
Petitioner,)	
)	
vs.)	2:11-cv-238-JMS-WGH
)	
JOHN OLIVER, Warden,)	
)	
Respondent.)	

Entry Directing Further Proceedings

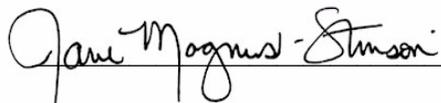
Mr. Nelson brings this action pursuant to 28 U.S.C. § 2241 to secure the release of Mr. Neal from federal custody.

Under 28 U.S.C. § 2242, an “application for a writ of habeas corpus shall be in writing signed and verified by the person for whose relief it is intended or by someone acting in his behalf. In *Whitmore v. Arkansas*, 495 U.S. 149, 165 (1990), the Supreme Court held that “one necessary condition for ‘next friend’ standing in federal court is a showing by the proposed ‘next friend’ that the real party in interest is unable to litigate his own cause due to mental incapacity.” In addition, “the ‘next friend’ must be truly dedicated to the best interests of the person on whose behalf he seeks to litigate, and it has been further suggested that a ‘next friend’ must have some significant relationship with the real party in interest.” *Id.*, at 163.

“[N]ext friend” standing “is by no means granted automatically to whomever seeks to pursue an action on behalf of another.” *Id.* Mr. Nelson shall have **through November 1, 2011**, in which to **supplement** his petition for writ of habeas corpus by demonstrating the circumstances he believes are present to satisfy the foregoing requirements pertaining to his effort to secure the release of Mr. Neal.

IT IS SO ORDERED.

Date: 10/12/2011


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

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