

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JOVAN DECAY

CIVIL ACTION

VERSUS

NUMBER: 12-1888

WARDEN TERRY TERRELL

SECTION: "C"(5)

ORDER ON MOTION
NOVEMBER 14, 2012

MOTION:

- (1) Respondent's Motion to Dismiss Petition or Alternatively to Require Amendment of the Petition (Rec. doc. 11).

1: No Opposition

ORDERED

1: Other. Rule 2(c) of the Rules Governing Section 2254 Cases in the United States District Courts provides that a petition must specify all of the grounds for relief and must state the facts supporting each ground. A "... general reference to the transcripts, case records, and briefs on appeal patently fails to comply with Rule 2(c)." Adams v. Armontrout, 897 F.2d 332, 333 (8th Cir. 1990). A petition like Decay's (rec. doc. 3, p. 5) which simply incorporates by reference all grounds raised in attached exhibits fails to comply with Rule 2(c). Phillips v. Dormire, 2006 WL 744387 at *1-2 (E.D. Miss. March 20, 2006). Accordingly, the alternative relief requested by respondent is granted. The Clerk is directed to forward a blank habeas petition (form AO 241) to

petitioner who is directed to complete same as Rule 2(c) requires and return it to the Court for filing on or before December 14, 2012. Petitioner's failure to comply with the terms of this order will result in the issuance of a Report and Recommendation recommending that his petition be dismissed.



ALMA L. CHASEZ
United States Magistrate Judge