

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ARTHUR M. PLUMMER)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 17-11027-DHH
)	
JEFFREY GRONDOLSKY,)	
Respondent.)	

ORDER

July 12, 2017

Hennessy, M.J.

1. Petitioner's renewed motion for leave to proceed without prepayment of the filing fee (Docket #8) is MOOT because petitioner paid the \$5.00 fee on June 30, 2017 (Docket #9).

2. In accordance with 28 U.S.C. § 2243, the Clerk of this Court is hereby ordered to serve a copy of the Petition for Writ of Habeas Corpus by mailing copies of same to the Respondent, the office of the United States Attorney General and the United States Attorney for the District of Massachusetts. It is further ordered that the Respondent shall, within 20 days of receipt of this Order, file an answer (or other proper responsive pleading) to the Petition for Writ of Habeas Corpus. The answer (or other responsive pleading) must also include a statement notifying this Court of the existence of any victim or victims as defined by 18 U.S.C. § 3771.

3. In its response, Respondent shall address the Court's jurisdiction over this petition in light of the apparent available remedy under 18 U.S.C. § 4247(h) and its interplay with 18 U.S.C. § 4247(g). See Achuela v. Hedrick, 365 F.3d 644, 648-649 (8th Cir. 2004); Plummer v. Grondolsky, 13-12086, January 22, 2014 Memorandum and Order, Docket #5 (dismissing § 2241 petition on grounds of petitioner's failure to appeal § 4246(d) civil commitment determination).

4. Petitioner has not signed the Petition and another individual has been submitting papers to this Court purportedly on Petitioner's behalf. Under the Local Rules of this Court, petitioner may "not authorize any other individual who is not a member of the bar of this district to appear on his or her behalf." See L.R. 83.5.5(d). Moreover, a pro se petitioner must personally sign every paper filed with the Court. See Fed. R. Civ. P. 11(a). Accordingly, Petitioner shall file a personally signed petition within 28 days of the entry of this Order. The Clerk shall provide a courtesy copy of the petition to the Petitioner. Furthermore, Petitioner is reminded that he must comply with the Federal Rules of Civil Procedure and the Local Rules of this Court including, but not limited to, the submissions of papers to this Court.

5. Petitioner's Motion to Appoint Guardian (Docket #3) is DENIED without prejudice to renew the motion for such relief after a response is filed by the Respondent.

6. Failure of Petitioner to comply with this Order may result in a recommendation of dismissal of this action without prejudice.

Dated: July 12, 2017

/s/ David H. Hennessy
David H. Hennessy
U.S. Magistrate Judge