

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENNIS VOSHELL,

No. 10-11409

Petitioner,

District Judge Thomas L. Ludington

v.

Magistrate Judge R. Steven Whalen

SHERRY BURT,

Respondent.

ORDER COMPELLING MORE DEFINITE STATEMENT

On April 8, 2010, Petitioner Dennis Voshell, a prison inmate who is not represented by a lawyer, filed a petition for writ of habeas corpus, challenging his plea-based conviction in the Roscommon County, Michigan Circuit Court for second-degree criminal sexual conduct. His petition is very difficult to understand, and it is not clear what issues of federal law he is raising. It does appear that after he was sentenced, he asked the Michigan Court of Appeals, and then the Michigan Supreme Court for leave to appeal, which was denied.

Rule 8(a)(2) of the Federal Rules of Civil Procedure, which is applicable to habeas corpus cases brought under 28 U.S.C. § 2254, requires that a complaint or a petition contain “a short and plain statement of the claim showing that the pleader is entitled to relief.” District courts have a “supervisory obligation to *sua sponte* order repleading” when a complaint or petition does not clearly link the facts to some specific claim for relief. *Wagner v. First Horizon Pharmaceutical Corp.*, 464 F.3d 1273, 1275 (11th Cir.2006). Especially in a case such as this one, where the Petitioner does not have a lawyer, “before dismissing a pro se complaint the district court must provide the litigant

with notice of the deficiencies in his complaint in order to ensure that the litigant uses the opportunity to amend effectively.” *Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir.1992) (citation omitted).

Therefore, no later than **JUNE 21, 2010**, Petitioner Dennis Voshell shall file with the Court a written statement that shows what federal rights he believes were violated when he pled guilty and was sentenced. For example, was his plea not knowing and voluntary? Did his lawyer or the judge not properly advise him of his rights? Did his lawyer do something (or fail to do something) that deprived him of his right to the effective assistance of counsel? The Petitioner must also tell the Court what facts support his claims.

The Petitioner’s statement does not have to be in the form of a legal brief; he can simply write down what happened, and what federal rights he thinks were violated, but he must do this clearly, so that the Court does not have to guess what he is claiming. If the Petitioner has any written opinions from the Michigan courts, or any briefs that he filed in the Michigan courts, he may attach copies of those to his statement.

If the Petitioner does not file this statement by **JUNE 21, 2010**, his petition may be dismissed.

IT IS SO ORDERED.

S/R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

Dated: May 13, 2010

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on May 13, 2010.

S/G. Wilson
Judicial Assistant