

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DANNY NORWOOD,

Petitioner,

v.

CASE NO. 2:06-CV-12205
HONORABLE ARTHUR J. TARNOW

MARY BERGHUIS,

Respondent.

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ORDER DENYING PETITIONER'S LETTER REQUEST

Danny Norwood ("Petitioner") has filed a letter request seeking permission to file a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner, however, has not submitted his habeas petition, nor has he paid the \$5.00 filing fee or submitted an application to proceed *in forma pauperis*.

It is well-established that "[t]he exercise of judicial power under Art. III of the Constitution depends on the existence of a case or controversy,' and 'a federal court [lacks] the power to render advisory opinions.'" *United States National Bank of Oregon v. Independent Insurance Agents of America*, 508 U.S. 439, 446 (1993) (quoting *Preiser v. Newkirk*, 422 U.S. 395, 401 (1975)); *see also Arnett v. Myers*, 281 F.3d 552, 562 (6th Cir. 2002). Petitioner's letter request seeks an advisory opinion from this Court regarding the timeliness of a habeas petition which has not been submitted to the Court for review. The Court is unable to render such advisory opinions.

Accordingly, Petitioner's letter request seeking permission to file a petition for writ of habeas corpus is **DENIED** and this case is closed. This denial is without prejudice to Petitioner filing a petition for writ of habeas corpus in federal court. The Court makes no determination about the timeliness or merits of such a petition.

IT IS SO ORDERED.

s/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: May 17, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 17, 2006, by electronic and/or ordinary mail.

s/Catherine A. Pickles
Judicial Secretary