

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

QUINTIN L. HOLMES,

Petitioner,

Case No. 2:12-cv-11037

v.

Honorable Patrick J. Duggan

STEVE RIVARD,

Respondent.

_____/

**ORDER ALLOWING PETITIONER TO PROCEED WITH THIS ACTION BY
FILING A HABEAS CORPUS PETITION AND SUBMITTING THE FILING FEE
OR AN APPLICATION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

Quintin L. Holmes (“Holmes”) is a Michigan prisoner incarcerated at the Carson City Correctional Facility in Carson City, Michigan. On March 8, 2012, Holmes initiated this action by filing a *pro se* motion to hold his habeas petition in abeyance while he pursued state remedies. Holmes neither signed his motion, paid the filing fee for a habeas action, nor applied for leave to proceed *in forma pauperis*. More significantly, Holmes did not have a habeas corpus petition pending in this, or any, federal court.

Therefore, in an order dated May 1, 2012, this Court notified Holmes that, if he intended to seek habeas corpus relief, he must complete and sign a habeas corpus petition and return the petition for filing with either the \$5.00 filing fee or a signed and completed application to proceed *in forma pauperis*. The Court then denied without prejudice Holmes’ motion to hold his “habeas petition” in abeyance and closed this case.

On September 25, 2012, this Court received a letter from Holmes in which he asks

the Court “to lift the stay” and allow him to proceed with a petition for relief under 28 U.S.C. § 2254. There is no stay to lift, because the Court denied Holmes’ motion to hold his case in abeyance. If Holmes wants to re-open this case, within twenty-eight (28) days of the date of this Order, he must: (1) file an original habeas corpus petition and two copies of the petition, and (2) submit either the \$5.00 filing fee or an application for leave to proceed *in forma pauperis*. Otherwise this action will remain closed.

SO ORDERED.

Dated: May 1, 2013

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copy to:
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10274 Boyer Road
Carson City, MI 48811