

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LORING WALKER,

Petitioner,

Case Number: 2:14-CV-13337
HON. SEAN F. COX

v.

LORI GIDLEY,

Respondent.

**ORDER CONSTRUING 1/13/15 LETTER AS MOTION TO
REOPEN PROCEEDING AND DENYING MOTION**

Petitioner Loring Walker is a state inmate currently incarcerated at the Oaks Correctional Facility in Manistee, Michigan. He filed a *pro se* petition for a writ of habeas corpus claiming that he is incarcerated in violation of his constitutional rights. The Court issued an Order to Correct Deficiency because Petitioner failed to submit two copies of his petition as required by Rule 3(a), Rules Governing Section 2254 Cases. The Court required Petitioner to correct the deficiency within twenty-one days and cautioned that failure to do so could result in dismissal of the petition. The Court subsequently dismissed the petition without prejudice because Petitioner failed to correct the deficiency within the time prescribed. Now before the Court is Petitioner's letter dated January 13, 2015, which the Court construes as a motion to reopen the proceeding.

Petitioner argues that the matter should be reopened because he submitted the required copies with his original petition. In support of his motion, Petitioner submits a

copy of a photocopy disbursement authorization form which shows that he requested copies of his habeas petition, brief in support, and attachments in August 2014. It appears that while Petitioner submitted to the Court multiple copies of certain attachments, he failed to submit multiple copies of the petition or brief in support. Petitioner also claims that he did not receive a copy of the Order to Correct Deficiency. However, he references the Order in two letters to the Court (dkt. # 4 & #5) that pre-dated the dismissal order. Therefore, he clearly had notice of the deficiency prior to the dismissal of his petition and the Court will deny Petitioner's request to reopen the proceeding. Petitioner may file another petition in accordance with the applicable Federal and local rules.

Accordingly, **IT IS ORDERED** that Petitioner's January 13, 2015 letter (dkt. # 9) is construed as a motion to reopen proceeding and the motion is **DENIED**.

Dated: February 20, 2015

S/ Sean F. Cox
Sean F. Cox
U. S. District Judge

I hereby certify that on February 20, 2015, the foregoing document was served on counsel of record via electronic means and upon Loring Walker via First Class mail at the address below:

Loring Walker
748138
OAKS CORRECTIONAL FACILITY
1500 CABERFAE HIGHWAY
MANISTEE, MI 49660

S/ J. McCoy
Case Manager