

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CHARLES MICHAEL PERRY,

Petitioner,

Civil Number 21-10950
Honorable David M. Lawson

v.

GEORGE STEPHENSON,

Respondent.

_____ /

**OPINION AND ORDER DENYING MOTION TO EXTEND TIME
AND DISMISSING CASE WITHOUT PREJUDICE**

This comes to this Court in an unusual posture. Petitioner Charles Michael Perry, a Michigan prisoner, filed a case-initiating paper entitled “Covid-19 Motion to Extend Time to File” in April 2021 requesting that the Court grant him additional time to file a petition for a writ of habeas corpus challenging his state court convictions. Perry did not submit an actual habeas petition, nor did he pay the required filing fee or submit an application to proceed *in forma pauperis*. Consequently, on May 20, 2021, the Court issued a deficiency order requiring him to correct those deficiencies within 30 days, informing him that his failure to do so would result in dismissal of this case. Perry did not correct the deficiencies within the allotted time or otherwise respond to the Court’s orders. Instead, in August 2021, he instituted a new action by filing a petition for a writ of habeas corpus and an application to proceed *in forma pauperis*. Those materials were accepted for filing and the case is currently pending before another judge. *See Perry v. Stephenson*, Case No. 21-12139 (E.D. Mich.).

Without commenting on the timeliness of that petition, it appears that the present case serves no useful purpose and ought to be dismissed. However, the dismissal will not constitute an adjudication on the merits of any habeas corpus petition.

Accordingly, it is **ORDERED** that the petitioner's motion to enlarge his filing deadline (ECF No. 1) is **DENIED**, and this case is **DISMISSED WITHOUT PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 20, 2021