

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KIMDON BRUCE PETERS,

Petitioner,

Case Number: 5:11-CV-11660

v.

HON. JOHN CORBETT O'MEARA

MICHAEL BOUCHARD,

Respondent.

_____ /

ORDER OF SUMMARY DISMISSAL WITHOUT PREJUDICE

Petitioner Kimdon Bruce Peters is incarcerated at the Oakland County Jail in Pontiac, Michigan. He has filed a *pro se* petition for a writ of habeas corpus. Because the Court cannot discern the grounds on which Petitioner seeks habeas corpus relief, the Court summarily dismisses the petition.

Rule 4, Rules Governing Section 2254 Cases, provides that a district court may enter an order for the summary dismissal of a habeas corpus petition “[i]f it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in the district court. . . .” A petition may be summarily dismissed where the allegations are so “vague (or) conclusory” that they do not “point to a real possibility of constitutional error.” *Blackledge v. Allison*, 431 U.S. 63, 76 (1977) (internal citations omitted). “[A] claim for relief in habeas corpus must include reference to a specific federal constitutional guarantee, as well as a statement of the facts which entitle the Petitioner to relief.” *Gray v. Netherland*, 518 U.S. 152, 162-63 (1996) (internal citations omitted). *See also Perez v. Hemingway*, 157 F. Supp. 2d 790, 796 (E.D. Mich. 2001) (“A petition for a writ of habeas corpus must set forth facts that give rise

to a cause of action under federal law or it may summarily be dismissed.”).

Petitioner uses a form § 2254 petition. The section provided for setting forth the claims raised in the petition is blank. The papers attached to the form petition also fail to identify the issues raised. Thus, the Court cannot determine the nature of Petitioner’s habeas claims.

The Court, therefore, **DISMISSES WITHOUT PREJUDICE** the petition for a writ of habeas corpus.

SO ORDERED.

s/John Corbett O’Meara
United States District Judge

Date: April 28, 2011

I hereby certify that on April 28, 2011 a copy of this order was served upon Petitioner at Oakland County Jail, P.O. Box 436017, Pontiac, MI 48343 by first-class U.S. mail.

s/William Barkholz
Case Manager