

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Freddie Alexander Williams,

Petitioner, Case No. 17-cv-13469

v.

Judith E. Levy
United States District Judge

Tony Stewart,

Mag. Judge Mona K. Majzoub

Respondent.

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**ORDER DIRECTING PETITIONER TO COMPLETE AND FILE
(1) AN APPLICATION FOR WRIT OF HABEAS CORPUS AND
(2) AN APPLICATION TO PROCEED *IN FORMA PAUPERIS*
OR THE FILING FEE**

Petitioner Freddie Alexander Williams, a state prisoner at the Cotton Correctional Facility in Jackson, Michigan, has filed a *pro se* motion for equitable tolling. (Dkt. 1.) In the pending motion, Petitioner asks the Court to toll the one-year statute of limitations for habeas petitions on grounds that: he was unaware of the statute of limitations until after the limitations period expired; he is uneducated and had no constructive knowledge of the filing requirements; he was diligent in pursuing his rights after he learned of the filing requirements; there is no

prejudice to Respondent; and it was reasonable for him to remain ignorant of the legal requirements. Petitioner also alleges that the State's policies and procedures impeded his efforts to file a timely habeas petition.

The Court cannot properly address Petitioner's motion because he did not submit an application for the writ of habeas corpus with his motion, and he has not provided the Court with sufficient information about his criminal case. He also did not pay the filing fee for this action or apply for leave to proceed *in forma pauperis*.

Accordingly, the Court ORDERS Petitioner to complete and file with the Clerk of the Court a petition for writ of habeas corpus and two identical copies of the petition. In addition, Petitioner is to submit the \$5.00 filing fee for this action or a completed application to proceed *in forma pauperis*, accompanied by a certified statement of the balance in his trust fund account at the Cotton Correctional Facility.

The Court is sending Plaintiff a blank petition for the writ of habeas corpus for Plaintiff to complete. The Court is also sending Plaintiff an application to proceed *in forma pauperis* in case he cannot afford to pay the \$5.00 filing fee for this action. Any failure on Petitioner's part to

comply with this order by submitting the necessary items within thirty (30) days of the date of this order could result in the dismissal of this action.

IT IS SO ORDERED.

Dated: December 27, 2017
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 27, 2017.

s/Shawna Burns
SHAWNA BURNS
Case Manager