

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

MILFORD LEE ROOP

PLAINTIFF

v.

No. 1:17CV24-NBB-JMV

**ITAWAMBA COUNTY
CHRIS DICKINSON
ITAWAMBA COUNTY JAIL JAILERS**

DEFENDANTS

**ORDER DIRECTING CLERK TO
OPEN A *HABEAS CORPUS* CASE WITH
DOCUMENTS [16], [18] [24]**

This matter comes before the court on the motions [16], [18], [24] by Milford Lee Roop, who challenges the conditions of his confinement under 42 U.S.C. § 1983. In three motions [16], [18], [24], he alleges various violations to his civil rights as a prisoner, as well as irregularities regarding his prosecution and requests for parole – and seeks immediate release from incarceration and damages against the various defendants. As this case contains elements of both a prisoner civil rights suit under 42 U.S.C. § 1983 and a *habeas corpus* petition under 28 U.S.C. § 2254, the court will permit it to proceed – as separate suits – in both ways. As such, the Clerk of the Court is **DIRECTED** to open a separate case under 28 U.S.C. § 2254 on the court’s docket using motions [16], [18], and [24] in the instant case. In addition, the Clerk of the Court is **DIRECTED** to provide the plaintiff with the proper form for initiating a petition under § 2254, as well as a form for proceeding *in forma pauperis* in the new case. The instant motions [16], [18], and [24] are thus **DISMISSED** in the instant case. The plaintiff must return a completed copy of those forms within 30 days from the date of this order.

SO ORDERED, this, the 11th day of September, 2017.

/s/ Jane M. Virden
UNITED STATES MAGISTRATE JUDGE