



However, he does not allege he is being held in violation of the Constitution or laws or treaties of the United States. Rather, Petitioner argues that (1) he received an excessive sentence, (2) he could not have known there was “money in the ATM,” (3) he was prejudiced because the prosecutor asked him who his father was, and (4) the victim could have escaped the place of assault. (See Grounds One, Two, Three and Four of Petition, [id.](#) at CM/ECF pp. 1-11.)

The court must conduct an initial review of the Petition for Writ of Habeas Corpus to determine whether the claims made by Petitioner are, when liberally construed, potentially cognizable in federal court. However, Petitioner identified no grounds on which he claims he is being held in violation of the Constitution, laws, or treaties of the United States. Thus, the pending Petition for Writ of Habeas Corpus is insufficient and the court will not act upon it. However, on its own motion, the court will grant Petitioner 30 days to file an amended petition for writ of habeas corpus. Any amended petition must specify the respondent, the grounds for relief, the facts supporting each ground, and the relief requested.

IT IS THEREFORE ORDERED that:

1. The Motion for Leave to Proceed in Forma Pauperis (Filing No. [2](#)) is provisionally granted and Petitioner will not be required to pay the \$5.00 fee at this time;
2. The pending Petition for Writ of Habeas Corpus (Filing No. [1](#)) is deemed insufficient and the court will not act upon it;
3. On or before February 14, 2013, Petitioner must submit an amended petition for writ of habeas corpus. In the amended petition, Petitioner must specify the respondent, the grounds for relief, the facts supporting each ground, and the relief requested. Failure to comply with this Memorandum and Order will result in dismissal of this action without prejudice and without further notice;

4. The clerk's office is directed to send to Petitioner a Form AO241 (Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus) together with this Memorandum and Order; and
5. The clerk's office is directed to set a pro se case management deadline in this case with the following text: February 14, 2013: deadline for Petitioner to submit an amended petition.

DATED this 15<sup>th</sup> day of January, 2013.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge

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