

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

MAURICE SCOTT,	)	8:08CV383
	)	
Petitioner,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
	)	
	)	
Respondent.	)	

The court must conduct an initial review of the Petition for Writ of Habeas Corpus (filing no. 1) to determine whether the claims made by Petitioner are, when liberally construed, potentially cognizable in federal court. However, the court notes that Petitioner did not use the Form AO 241, Petition for Writ of Habeas Corpus by a Person in State Custody, but rather submitted a three-page Letter/Petition that does not clearly indicate the grounds alleged and does not name a Respondent.

The Petition must “substantially follow either the form appended to [the] rules, or a form prescribed by a local district-court rule.” See Rule 2 of the [Rules Governing Section 2254 Cases in the United States District Courts](#). Petitioner’s Petition does not substantially follow any form and does not clearly indicate the grounds alleged. Thus, the pending Petition for Habeas Corpus (filing no. 1) is deemed insufficient and the court will not act upon it. However, on its own motion the court will grant Petitioner 30 days in which to amend his Petition using Form AO 241. The court cautions Petitioner that failure to adequately comply with this order may result in dismissal of his Petition without further notice.

IT IS THEREFORE ORDERED that:

1. The pending Petition for Habeas Corpus (filing no. 1) is deemed

insufficient and the court will not act upon it.

2. On or before **January 5, 2009**, Petitioner shall submit a completely new amended Petition for Writ of Habeas Corpus that is originally signed under penalty of perjury. In the amended Petition, Petitioner shall specify the Respondent, the grounds for relief, state the facts supporting each ground, and state the relief requested. Petitioner is warned that failure to comply with this order may result in dismissal of his Petition without further notice.

3. The Clerk of the court is directed to send to Petitioner the Form AO 241 packet, Petition for Relief From a Conviction or Sentence By a Person in State Custody.

4. The Clerk of the court is directed to set a pro se case management deadline in this case with the following text: January 5, 2009: deadline for Petitioner to submit amended petition.

December 3, 2008.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge