

IN THE UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF NEBRASKA

A.J. KELLY,	)	
	)	
Plaintiff,	)	8:15CV78
	)	
v.	)	
	)	
TECUMSEH STATE CORRECTIONS	)	MEMORANDUM AND ORDER
INSTITUTE,	)	
	)	
Defendant.	)	
_____	)	

The Court must conduct an initial review of A.J. Kelly's Petition for Writ of Habeas Corpus (Filing No. [1](#)) to determine whether his claims are potentially cognizable in federal court. Kelly did not use the Form AO 241, Petition for Writ of Habeas Corpus by a Person in State Custody, but rather submitted a two-page document that does not clearly indicate the grounds alleged and does not name a respondent.

A habeas corpus 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*. Kelly's petition does not substantially follow any form and does not clearly indicate the grounds alleged. In addition, the petition does not name a proper respondent (i.e., the state officer who has custody over him). Thus, Kelly's petition is insufficient

and the Court will not act upon it. On the Court's own motion, Kelly will have 30 days in which to file an amended petition for writ of habeas corpus.

IT IS ORDERED:

1. Kelly is directed to file an amended petition for writ of habeas corpus within 30 days in accordance with this Memorandum and Order. To avoid confusion, any document Kelly sends to the clerk of the court for filing in this case must clearly display the case number. Failure to comply with this Memorandum and Order will result in dismissal of this matter without further notice.

2. The clerk of the court is directed to send to petitioner the Form AO241 ("Petition for Relief From a Conviction or Sentence By a Person in State Custody").

3. The clerk of the court is directed to set a pro se case management deadline in this matter with the following text: August 3, 2015: Check for amended petition.

DATED this 6th day of July, 2015.

BY THE COURT:

/s/ Lyle E. Strom

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LYLE E. STROM, Senior Judge  
United States District Court

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