

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

AUSTIN EDWARD LIGHTFEATHER,

Petitioner,

vs.

GAGE COUNTY, NE,

Respondent.

8:22CV358

MEMORANDUM AND ORDER

This matter is before the Court on initial review of Petitioner Austin Edward Lightfeather's ("Petitioner" or "Lightfeather") Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2241.¹ [Filing No. 1](#). However, this matter will not proceed further until Petitioner cures the deficiencies discussed below.

First, Petitioner has not signed the petition under penalty of perjury. See, e.g. [28 U.S.C. § 2242](#) and Rule 2(c)(5) of the *Rules Governing Section 2254 Cases in the United States District Courts*.

Second, a habeas corpus petition must "substantially follow either the form appended to [the *Rules Governing Section 2254 Cases in the United States District Courts*], 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*. Here, Petitioner did not use the Form AO 242, Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241. Rather, he submitted a ten-page, hand-written document that does not identify the

¹ The Court conducts this initial review of the petition pursuant to 28 U.S.C. § 2243 and Rule 1(b) of the *Rules Governing Section 2254 Cases in the United States District Courts*. Rule 1(b) allows the Court to apply any or all of those rules, including Rule 4, to a section 2241 action.

decision or action challenged or clearly indicate the grounds upon which Petitioner seeks habeas relief.

Based on these deficiencies, Petitioner's petition is deemed insufficient and the Court will not act upon it. However, on the Court's own motion, Petitioner will have 30 days in which to file an amended petition for writ of habeas corpus.

IT IS THEREFORE ORDERED that:

1. The pending Petition, [Filing No. 1](#), is deemed insufficient and the Court will not act upon it.

2. By **February 17, 2023**, Petitioner shall file an amended petition for writ of habeas corpus that is originally signed under penalty of perjury. Petitioner is encouraged to use the enclosed official Form AO 241. To avoid confusion, any document Petitioner sends to the Clerk of Court for filing in this case must clearly display the case number. Failure to file an amended petition in accordance with this Memorandum and Order will result in dismissal of this matter without further notice.

3. The Clerk of the Court is directed to send to Petitioner the Form AO 241 ("Petition for Relief From a Conviction or Sentence By a Person in State Custody").

4. The Clerk of Court is directed to set a pro se case management deadline in this matter with the following text: **February 17, 2023**: Check for amended petition.

Dated this 17th day of January, 2023.

BY THE COURT:



Joseph F. Bataillon
Senior United States District Judge