

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

NATHANIEL COLEMAN,	:	
	:	Civ. No. 14-3329 (RBK)
Petitioner,	:	
	:	<b>MEMORANDUM AND ORDER</b>
v.	:	
	:	
UNITED STATES PAROLE	:	
COMMISSION, et al.,	:	
	:	
Respondents.	:	
	:	

Petitioner is a federal prisoner currently incarcerated at F.C.I. Fort Dix in Fort Dix, New Jersey. He is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner argues that he is entitled to his release as the Federal Bureau of Prisons is not properly recognizing the amount of good time credits he has earned.

Petitioner did not pay the \$5.00 filing fee nor did he submit an application to proceed *in forma pauperis* in this action. Thus, this case will be administratively terminated.

However, this does not end the matter. Indeed, petitioner raised similar issues in another federal habeas proceeding before this Court. (*See* Civ. No. 14-0276.) In that case, petitioner has now paid the filing fee and the matter will be reopened in due course. As petitioner has raised similar issues in this habeas proceeding as he does in his previously filed habeas proceeding, the Court will construe the instant habeas petition as an amended habeas petition in petitioner’s previously filed case and order the Clerk to file it as such. *See Grullon v. Ashcroft*, 374 F.3d 137, 140 (2d Cir. 2004) (construing § 2241 habeas petition that is filed when a petitioner has a pending § 2241 petition as a motion to amend the first § 2241 habeas petition); *see also Woods v. Carey*, 525 F.3d 886, 890 (9th Cir. 2008) (finding that district court should have construed *pro se* habeas petition as motion to amend pending habeas petition); *Cruz v. Hollingsworth*, No. 13-

2495, 2014 WL 47944, at \*1 (D.N.J. Jan. 7, 2014) (construing habeas petition as motion to amend pending habeas petition filed in the Southern District of New York). Petitioner should make subsequent filings under Civ. No. 14-0276 with respect to his habeas petition regarding his request to be released due to his purportedly earned good time credits that are not being recognized by the Federal Bureau of Prisons.

Accordingly, IT IS on this 29th day of May, 2014,

ORDERED that the Clerk shall administratively terminate this case for petitioner's failure to either pay the requisite filing fee of \$5.00 or submit a complete application to proceed *in forma pauperis*; and it is further

ORDERED that the Clerk shall re-docket the habeas petition in this case (Dkt. No. 1.) as an amended petition in Civ. No. 14-0276; and it is further

ORDERED that the Clerk shall serve a copy of this Memorandum and Order on petitioner by regular U.S. mail.

s/Robert B. Kugler  
ROBERT B. KUGLER  
United States District Judge