

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

LUIS RAMOS,	:	
	:	Civil No. 16-9139 (RBK)
Petitioner,	:	
	:	
v.	:	<b>MEMORANDUM AND ORDER</b>
	:	
NEW JERSEY STATE PRISON, et al.,	:	
	:	
Respondents.	:	

*Pro se* petitioner, Luis Ramos, a prisoner confined at the New Jersey State Prison in Trenton, New Jersey, seeks to bring a habeas petition pursuant to 28 U.S.C. § 2254. The petition did not include an application to proceed *in forma pauperis* nor did it include a prepaid \$5.00 filing fee as the check was not made out to the proper party. (*See* Dkt. No. 1-4) Thus, this case will be administratively closed. Petitioner shall be given an opportunity to reopen this action should he so choose.

Therefore, IT IS this 21st day of December, 2016,

ORDERED that the Clerk of the Court shall administratively terminate this case; petitioner is informed that administrative termination is not a “dismissal” for purposes of the statute of limitations, and that if the case is reopened, it is not subject to the statute of limitations time bar if it was originally filed timely, *see Papotto v. Hartford Life & Acc. Ins. Co.*, 731 F.3d 265, 275 (3d Cir. 2013) (distinguishing administrative terminations from dismissals); *Jenkins v. Superintendent of Laurel Highlands*, 705 F.3d 80, 84 n.2 (3d Cir. 2013) (describing prisoner mailbox rule generally); and it is further

ORDERED that the Clerk's service of the blank habeas petition form shall not be construed as this Court's finding that the original petition is or is not timely, or that petitioner's claims are or are not duly exhausted; and it is further

ORDERED that if petitioner wishes to reopen this case, he shall so notify the Court, in writing addressed to the Clerk of the Court, Mitchell H. Cohen Building & U.S. Courthouse, 4<sup>th</sup> & Cooper Streets, Room 1050, Camden, New Jersey, 08101, within thirty (30) days of the date of entry of this Memorandum and Order; petitioner's writing shall include either the \$5.00 filing fee or a complete application to proceed *in forma pauperis*; and it is further

ORDERED that upon receipt of a writing from petitioner stating that he wishes to reopen this case and either the \$5.00 filing fee or a complete application to proceed *in forma pauperis*, the Clerk of the Court will be directed to reopen this case; and it is finally

ORDERED that the Clerk shall serve upon petitioner by regular U.S. mail: (1) a copy of this Memorandum and Order; (2) a blank form application to proceed *in forma pauperis* by a prisoner in a habeas corpus case.

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