

NOT FOR PUBLICATION

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

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| MICHAEL TAYLOR, | : | |
| | : | |
| Petitioner, | : | Civ. No. 19-18972 (NLH) |
| | : | |
| v. | : | |
| | : | |
| ATTORNEY GENERAL STATE OF NEW | : | |
| JERSEY, et al., | : | OPINION |
| | : | |
| Respondents. | : | |
| _____ | : | |

APPEARANCE:

Michael Taylor
611670
South Woods State Prison
215 South Burlington Road
Bridgeton, NJ 08302

 Petitioner Pro se

HILLMAN, District Judge

 Petitioner Michael Taylor is a state prisoner proceeding *pro se* with a civil rights complaint filed pursuant to 42 U.S.C. § 1983. He complains about various conditions of his confinement while he has been incarcerated at the South Woods State Prison, in Bridgeton, New Jersey.

I. Clerk’s Office Nature of Suit/Cause of Action Designation

 The Clerk’s office improperly labeled this case as a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Actions brought pursuant to § 2254 challenge the underlying

state court judgment of conviction. See 28 U.S.C. § 2254(a) (“The Supreme Court, a Justice thereof, a circuit judge, or a district court shall entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States.”). However, Petitioner is not challenging the legality of his underlying criminal sentence, but, rather, various conditions of his confinement. Indeed, Petitioner’s intent to file this action as a civil rights action is indicated by the civil cover sheet filled out by Petitioner where he expressly indicates he wishes this case to proceed as a civil rights case. See ECF 1-1 (indicating case should proceed as a 555 nature of suit - prison condition).

Accordingly, the Clerk will be ordered to change the nature of suit in this case a 555 - prison condition and the cause of action to 42:1983 Prisoner Civil Rights. Additionally, the Clerk shall change Petitioner’s designation on the docket to Plaintiff and Respondents’ designation to Defendants. Finally, the Clerk will be ordered to add a Magistrate Judge to this case.

II. Filing Fee

The filing fee for a petition for writ of habeas corpus is \$5.00. This Court accepted Petitioner’s \$5.00 filing fee in

this case. However, the filing fee for a civil complaint is \$350.00 along with a \$50.00 administrative fee.¹ Thus, given this case is proceeding as a civil rights complaint, Petitioner still owes \$395.00. Accordingly, this Court will administratively terminate this action until such time as Petitioner pays the balance owed. Alternatively, Petitioner can file a complete application to proceed *in forma pauperis* in a civil rights case.

III. Conclusion

For the foregoing reasons, this matter is administratively terminated. Petitioner may reopen this action by either paying the balance owed to the filing fee (\$395.00), or submitting a complete application to proceed *in forma pauperis* in a civil rights case. An appropriate order will be entered.

Dated: April 1, 2021
At Camden, New Jersey

s/ Noel L. Hillman
NOEL L. HILLMAN, U.S.D.J.

¹ On December 1, 2020, the administrative fee was raised from \$50.00 to \$52.00. However, given Petitioner filed this action prior to this increase, should he elect to pay the filing fee, he shall not have to pay the additional \$2.00.