

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ANDRE WILLIAMS,

Petitioner,

v.

STEPHEN D'ILIO, et al.,

Respondents.

Civil Action No. 14-5289 (CCC)

MEMORANDUM AND ORDER

Pro se Petitioner Andre Williams ("Petitioner"), a prisoner confined at New Jersey State Prison, seeks to bring a habeas petition pursuant to 28 U.S.C. § 2254. However, Petitioner did not did not pay the \$5 filing fee for a habeas petition as required by Local Civil Rule 54.3(a) or submit a completed application to proceed *in forma pauperis* in compliance with Local Civil Rule 81.2(b);¹

THEREFORE, it is on this 10 day of October, 2014;

ORDERED that the Clerk of the Court shall administratively terminate this case, without filing the complaint or assessing a filing fee; and it is further

ORDERED 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 Jenkins v. Superintendent of Laurel Highlands*, 705 F.3d 80, 84 n.2 (2013) (describing prisoner mailbox rule generally); *Dasilva v. Sheriff's Dep't.*,

¹ Although Petitioner contravened Local Civil Rule 81.2 by failing to use the habeas form supplied by the Clerk for section 2254 petitions, the filed Petition follows the content of the Clerk's form and, as such, the Court will excuse Petitioner from the requirement of filing on the form provided by the Clerk. *See* L.Civ.R. 83.2.

413 F. App'x 498, 502 (3rd Cir. 2011) (per curiam) (“[The] statute of limitations is met when a complaint is submitted to the clerk before the statute runs”); 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, M.L. King, Jr. Federal Bldg. & U.S. Courthouse, 50 Walnut Street, Newark, New Jersey, 07102, within 30 days of the date of entry of this Memorandum and Order; and it is further

ORDERED that Petitioner’s writing shall include either: a complete *in forma pauperis* application, including a certification of Petitioner’s institutional account, as required by Local Civil Rule 81.2(b) or the \$5 filing fee; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Memorandum and Order upon Petitioner by regular U.S. mail.


CLAIRE C. CECCHI
United States District Judge