

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JEFFREY WILSON,

Petitioner,

-against-

ATTORNEY GENERAL OF NEW YORK, et al.,

Respondent.

1:13-CV-3274 (LAP)

ORDER

LORETTA A. PRESKA, United States District Judge:

On July 9, 2013, the Court granted Petitioner's application to proceed *in forma pauperis* (IFP) in this *pro se habeas corpus* action. By order and judgment dated August 2, 2013, the Court denied Petitioner's *habeas corpus* petition without prejudice. Years after the Court closed this action, on November 10, 2021, the court received from Petitioner payment of the \$5.00 filing fee to bring a *habeas corpus* action. Six days later, on November 16, 2021, the court received a letter from Petitioner in which he states that on November 2, 2021, he sent to the court the \$5.00 filing fee, as well as a "declaration of impediment, federal hab [sic] and exhibits to be received by this court." (ECF 10.) In his letter, Petitioner inquires as to the status of his "moving papers." (*Id.*)

While the court has received the \$5.00 filing fee, it has not received the submissions to which Petitioner refers in his letter. In light of Petitioner's *pro se* status, and because the Court granted Petitioner IFP status for this action and it appears that Petitioner may be attempting to file a new petition for a writ of *habeas corpus* under 28 U.S.C. § 2254 in which he intends to pay the \$5.00 filing fee, the Court directs the Clerk of Court to the return to Petitioner the \$5.00 filing fee that he paid in this closed action. The Court has attached to this order a Section 2254 petition form that Petitioner may use to file a new *habeas corpus* action.

The Court directs the Clerk of Court to mail a copy of this order to Petitioner and note service on the docket.

SO ORDERED.

Dated: November 18, 2021  
New York, New York

A handwritten signature in black ink, reading "Loretta A. Preska". The signature is written in a cursive, flowing style. It is positioned above a horizontal line.

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LORETTA A. PRESKA  
United States District Judge