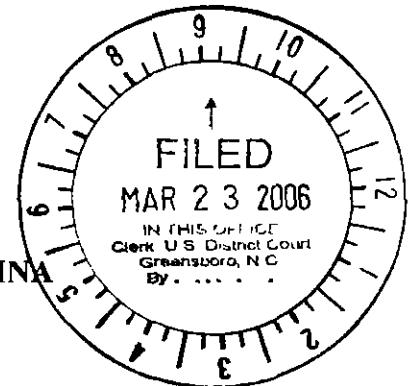


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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**



Charles Gene Rogers,)
)
 Petitioner,)
)
 v)
)
)
 Don G. Wood,)
)
)
 Respondent)

1:06CV00269

**ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Petitioner, a prisoner of the State of North Carolina, has submitted a habeas petition on a form for petitions under 28 U.S.C. § 2241. For the following reasons, the petition cannot be further processed:

- 1 Petitioner is attacking his convictions in the Eastern District of North Carolina. Therefore, he has filed the incorrect form and in the wrong district. He states that he has already litigated section 2254 petitions in the Eastern District. Therefore, he must receive permission from the Fourth Circuit before filing a second petition on the same convictions.
- 2 Filing fee was not received or affidavit to proceed in forma pauperis was not submitted or signed by the petitioner.

Because of these pleading failures, this particular petition should be filed and then dismissed, without prejudice to petitioner filing a new petition in the proper district.

In forma pauperis status will be granted for the sole purpose of entering this order and recommendation.

IT IS THEREFORE ORDERED that in forma pauperis status is granted for the sole purpose of entering this order

IT IS RECOMMENDED that this action be filed, but then dismissed sua sponte without prejudice to petitioner filing a new petition in the proper district

/s/ P Trevor Sharp
United States Magistrate Judge

Date March 23, 2006