

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

BOBBY R. KNOX, JR.,)	
)	
Petitioner,)	
)	
v.)	1:14CV458
)	
FRANK L. PERRY,)	
)	
Respondent.)	

ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Petitioner, a prisoner of the State of North Carolina, submitted a petition under 28 U.S.C. § 2254 for writ of habeas corpus by a person in state custody. For the following reasons, the Petition cannot be further processed.

1. The filing fee was not received, nor was an affidavit to proceed *in forma pauperis* submitted and signed by Petitioner.
2. Petitioner is already pursuing a § 2254 petition in case 1:14CV185 as to the same convictions listed in the present Petition. As the Court has now instructed Petitioner multiple times, all challenges to these convictions must be raised in that case. Petitioner should not file new cases challenging those same convictions and continuing to do so will not result in relief or in his claims being heard. He must raise all challenges to these convictions in case 1:14CV185 by filing a motion to amend in that case and placing that case number on any document he wishes to have filed in that case. He must receive permission from the Court in order to amend that case.

Because of this pleading failure, the Petition should be filed and then dismissed, without prejudice to Petitioner filing a motion to amend his pending habeas petition in case 1:14CV185. To further aid Petitioner, the Clerk is instructed to send Petitioner new § 2254

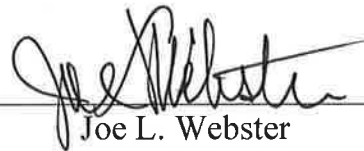
forms and instructions for filing a § 2254 petition, which Petitioner should follow in completing the forms. He may attach the completed forms to his motion to amend as a proposed amendment and file them with the motion in case 1:14CV185. He should not continue to waste his and the Court's time and resources by filing the forms as a new and separate case.

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 and Recommendation.

IT IS RECOMMENDED that this action be filed, but then dismissed *sua sponte* without prejudice to Petitioner filing a motion to amend his petition in case 1:14CV185.

This, the 5th day of June, 2014.



Joe L. Webster
United States Magistrate Judge