

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ERIC MCCOY,
Petitioner,

Case No. 1:07-cv-474
Barrett, J.
Hogan, M.J.

vs

WARDEN, CHILLICOTHE CORRECTIONAL
INSTITUTION,
Respondent.

ORDER

This matter is before the Court on petitioner's motion for injunctive relief (Doc. 22) and "praecipe to the clerk." (Doc. 23). Petitioner states that he intended to initiate a new civil action through his motion for injunctive relief, and not to seek further relief in the above captioned case. He requests that the Court correct the mis-docketing of his motion in this case.

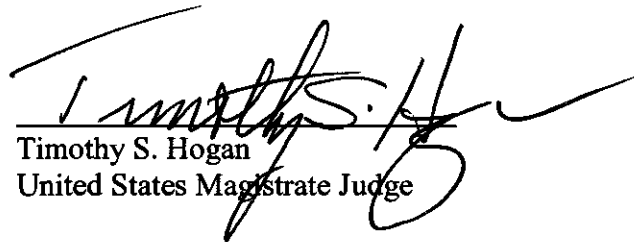
It is **ORDERED** that petitioner's motion for injunctive relief (Doc. 22) and "praecipe to the clerk" (Doc. 23) be stricken from the docket in this case. The Clerk of Court is **DIRECTED** to return to petitioner his motion for injunctive relief (Doc. 22) and "praecipe to the clerk." (Doc. 23). The Court cannot institute a new case based on the motion for injunctive relief because petitioner has failed to submit a complaint to institute a civil rights action in this Court. Nor has petitioner submitted the \$350.00 filing fee or motion for leave to proceed *in forma pauperis* to institute a new action.

The Clerk of Court is **DIRECTED** to send to petitioner a form civil rights complaint packet. If petitioner wishes to challenge the constitutionality of his conditions of confinement, he must submit a completed complaint form setting forth the facts of his claims, the names of the defendants, and the relief requested from the Court. The Clerk is also **DIRECTED** to submit to

petitioner an Application and Affidavit By Incarcerated Person to Proceed Without Prepayment of Fees form, and summons forms, United States Marshal forms, and instructions for filing a civil action in federal court.

IT IS SO ORDERED.

Date: 7/15/09


Timothy S. Hogan
United States Magistrate Judge