

FILED

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

JUL 17 2009

MAURICE LADON MILLER,)
)
Petitioner,)
)
v.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)

WILLIAM J. SCHRIE
Clerk, U.S. District Court
By _____
Deputy Clerk

Case No. CIV 09-280-RAW-KEW

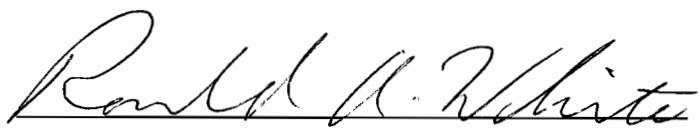
OPINION AND ORDER

On July 16, 2009, petitioner, an inmate at the United States Penitentiary in Pollock, Louisiana, filed a “motion to apply equitable tolling in order to file motion under 28 U.S.C. § 2254 past the 1-year statute of limitation” [Docket #1]. The court construed the motion as an improper petition for a writ of habeas corpus [Docket #3].

Petitioner is challenging his conviction in Love County District Court Case No. CF-2005-171, but he admits in his pleading that the one-year statute of limitations for filing this action has expired, and he has not exhausted his state court remedies [Docket #1 at 3]. He apparently is asking the court to find he is entitled to equitable tolling. Before the issue of equitable tolling can be considered, however, petitioner must submit a proper petition for a writ of habeas corpus on the court’s form. It is not necessary for him to resubmit the attachments to his original pleading.

ACCORDINGLY, petitioner is directed to submit a proper habeas corpus petition on the court’s form within twenty (20) days. The Court Clerk is directed to send petitioner the court’s form and instructions for filing an amended petition for a writ of habeas corpus.

IT IS SO ORDERED this 17th day of July 2009.



**RONALD A. WHITE
UNITED STATES DISTRICT JUDGE**