

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

TERRANCE J. FEASTER,

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Petitioner,

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v.

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No. 3:16-CV-263-RLJ-HBG

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SHAWN PHILLIPS,

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)

Respondent.

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MEMORANDUM AND ORDER

Terrance J. Feaster (“Petitioner”) filed a pro se petition for a writ of habeas corpus under 28 U.S.C. § 2254 [Doc. 2] and an amended petition [Doc. 3], but he had not signed either submission under penalty of perjury. On October 5, 2017, the Court issued an order directing Petitioner to complete, sign appropriately, and return the preprinted form petition for a writ of habeas corpus that was enclosed with the order, within thirty days of that date [Doc. 6]. Petitioner was advised that, if he failed to return the form petition within the time prescribed, his amended petition would be stricken from the record and his case would be dismissed [*Id.*]. That 30-day period has passed, and Petitioner has failed to file a signed § 2254 petition or otherwise communicate with the Court in response to its order.

Accordingly, the Clerk is **DIRECTED** to strike the amended petition [Doc. 3]. *See* Fed. R. Civ. P. 11(a) (requiring a court to strike an unsigned paper unless the omission is corrected promptly after being called to the party’s attention). This action will be **DISMISSED without prejudice**.

Finally, due to the nature of this dismissal, the Court **FINDS** that Petitioner has not made a substantial showing of the denial of a constitutional right, 28 U.S.C. § 2253(c)(2), and that jurists

of reason would not find it debatable whether this Court was correct in its procedural ruling. *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Hence, a certificate of appealability will not issue in this case.

A separate judgment will enter.

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan
United States District Judge