

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA :
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 v. : CRIMINAL ACTION NO. 94-CR-488-1
 : CIVIL ACTION NO. 10-CV-2620
 :
 :
 DERRICK WAY, :

MEMORANDUM AND ORDER

Petitioner filed a petition for writ of habeas corpus relief pursuant to 28 U.S.C. § 2241 in the United States District Court for the Eastern District of New York on May 13, 2010. (Doc. No. 1). The petition was transferred to this court because Petitioner is not challenging the execution of his sentence nor the conditions of his confinement. Instead, Petitioner is attacking his federal conviction and the imposition of sentence imposed by this court. In order to do so, Petitioner must file his petition for relief pursuant to 28 U.S.C. § 2255 and use the required current standard form prescribed by this court, effective October 2009. Use of the court's current standard form in proceedings under 28 U.S.C. § 2255 is necessary to assure that a petitioner is made aware, before commencement of a 28 U.S.C. § 2255 action, of the warnings required pursuant to United States v. Thomas, 221 F.3d 430 (3d Cir. 2000) (relating to the statute of limitations for filing habeas corpus petitions); and United States v. Miller, 197 F.3d 644 (3d Cir. 1999) (relating to limitations on the right of the petitioner to file a second or successive petition under 28 U.S.C. § 2255). The Thomas and Miller warnings are contained in the introductory text of this court's current standard form.

AND NOW, this 22nd day of June 2010, **IT IS HEREBY ORDERED** that:

1. The Clerk of Court shall promptly furnish Petitioner with a blank copy of this court's current standard form for filing a petition pursuant to 28 U.S.C. § 2255 bearing the above-captioned criminal action number; and,

2. Petitioner shall complete this court's current standard form of petition as directed by Local Civil Rule 9.3(b) and Rule 2 of the Rules Governing § 2255 Cases in the United States District Courts, sign the completed petition and return it within **THIRTY (30) DAYS** of the date of this Order, **no later than July 22, 2010**, failing which this matter will be dismissed without further notice to Petitioner.

/s Lowell A. Reed, Jr.
LOWELL A. REED, JR., S.J.