

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

-----  
JESUS RUIZ-ESPARZA,

ORDER

Petitioner,

04-C-529-C

v.

JOSEPH SCIBANA, Warden,

Respondent.  
-----

On July 29, 2004, petitioner Jesus Ruiz-Esparza filed a petition for a writ of habeas corpus brought pursuant to 28 U.S.C. § 2241, complaining that the Bureau of Prisons was acting contrary to 18 U.S.C. 3624(b) by calculating his good conduct time on the basis of the actual time he had served rather than his imposed sentence. In an order dated September 15, 2004, I advised petitioner that I could not determine whether to issue an order to show cause in his case for two reasons. First, petitioner had failed to verify the assertions in his petition as true under penalty of perjury as required by 28 U.S.C. § 2242. Second, petitioner had not submitted documentation with his petition revealing the date he was sentenced, the term of his imprisonment, any good time he had earned or been disallowed, and his current release and pre-release preparation dates as they are presently calculated by the Bureau of Prisons. I then directed petitioner to cure these defects no later

than September 30, 2004. Finally, I ordered that if, by September 30, petitioner failed to respond to the September 15 order or show cause for his failure to do so, I would dismiss his petition for his failure to conform the petition to the form of pleadings required of habeas corpus petitions brought pursuant to 28 U.S.C. § 2241 and his failure to show that he is in custody in violation of the constitution or laws of the United States. Petitioner has not responded to the September 15 order.

ORDER

IT IS ORDERED that petitioner Jesus Ruiz-Esparza's petition for a writ of habeas corpus is DISMISSED for petitioner's failure to conform the petition to the form of pleadings required of habeas corpus petitions brought pursuant to 28 U.S.C. § 2241 and to show that he is in custody in violation of the constitution or laws of the United States.

Entered this 13th day of October, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge