

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

MARSHALL ZAMOR,

Petitioner,

v.

RICARDO MARTINEZ, Warden,

Respondent.

ORDER

06-C-567-C

Petitioner Marshall Zamor brought this petition for a writ of habeas corpus under 28 U.S.C. § 2241, contending that his right to equal protection of the laws was violated because he lost a sentence reduction after a rules violation, but another prisoner did not. In an order dated October 30, 2006, I concluded that petitioner had not adequately alleged an equal protection violation because he did not explain how he was similarly situated to the other prisoner. McFarland v. Scott, 512 U.S. 849, 860 (1994) (O'Connor, J., concurring in the judgment in part) ("the habeas petition, unlike a complaint, must allege the factual underpinning of the petitioner's claims"). I gave petitioner until November 13, 2006, in which to file an amended petition that would include the factual basis for his claim.

Petitioner has neither filed an amended petition nor requested more time in which to do so. Accordingly, the petition for a writ of habeas corpus is DISMISSED for

petitioner's failure to show that he is in custody in violation of federal law.

Entered this 21st day of November, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge