

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

JERRY MEANS,

Petitioner,

v.

PETER HUIBREGTSE, Warden
Wisconsin Secure Program Facility,

Respondent.

ORDER

11-cv-321-bbc

In an August 15, 2011 order, I dismissed petitioner Jerry Means's petition for a writ of habeas corpus under 28 U.S.C. § 2254 challenging the duration of his 1994 sentences for bail jumping and escape because he has not exhausted his state court remedies. On August 18, 2011, the court received a document captioned as another petition for a writ of habeas corpus, but adding numerous defendants and seeking money damages instead of release from custody. Because this document is dated August 14, 2011, it is fair to assume that this petition crossed in the mail with the court's August 15 order.

Insofar as petitioner seeks to amend his petition for habeas relief, there is no reason to let him do so because he has not rectified his failure to exhaust state court remedies. To the extent he wishes to recover money damages from various governmental entities or corrections officials, he will have to raise those claims in a civil rights lawsuit rather than this habeas action. However, petitioner should be warned that he will owe a \$350 filing fee if he

initiates such a lawsuit.

ORDER

IT IS ORDERED that petitioner Jerry Means's request to amend his petition for a writ of habeas corpus, dkt. #8, is DENIED.

Entered this 15th day of September, 2011.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge