

FILED
for Roanoke
MAY 30 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK
BY: 
DEPUTY CLERK

RICHARD A. WALLACE,)	Civil Action No. 7:13-cv-00208
Petitioner,)	Civil Action No. 7:13-cv-00218
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
STATE OF VIRGINIA,)	By: Hon. Jackson L. Kiser
Respondent.)	Senior United States District Judge

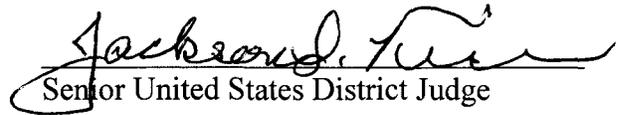
Richard A. Wallace, proceeding with counsel, filed a self-styled petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, to challenge separate criminal judgments entered by the Circuit Court of Russell County and the Circuit Court of Washington County. By Order entered on May 8, 2013, the court directed the Clerk to open a duplicate habeas action in case 7:13-cv-00218, which would challenge the judgment from the Circuit Court of Washington County, and directed that the challenge to the judgment from the Circuit Court of Russell County would proceed in case 7:13-cv-00208. The court also directed petitioner to, inter alia, file an amended petition in each action that substantially follows the form § 2254 petition, names a proper respondent, and challenges only one state court's judgment. See Rules Governing Section 2254 Cases 2(a), (d)-(e). The court advised petitioner that failure to comply with the May 8, 2013, Order within twenty days would result in dismissal of the actions without prejudice.

More than twenty days have elapsed, and petitioner has failed to comply with these conditions. Instead, petitioner filed a form petition in each action that again challenges both judgments from the Circuit Court of Russell County and the Circuit Court of Washington County. Due to plaintiff's failure to comply the terms of the May 8, 2013, Order, the court dismisses the actions without prejudice and strikes the cases from the active docket of the court.

Petitioner may refile the claims in new, separate actions once petitioner is prepared to comply with the court's Order and the Rules Governing § 2254 Cases.

The Clerk is directed to send a copy of this Memorandum Opinion and the accompanying Order to petitioner and counsel of record.

ENTER: This 30th day of May, 2013.


Senior United States District Judge