

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

MICHAEL JOHN WALKER,

Petitioner,

vs.

CIVIL ACTION
No. 12-3124-SAC

C. MAYE,

Respondent,

MEMORANDUM AND ORDER

This matter comes before the court on a petition for habeas corpus filed pursuant to 28 U.S.C. § 2241. Petitioner, a prisoner in federal custody, proceeds pro se and has submitted the filing fee. He challenges a January 2012 disciplinary hearing that resulted in sanctions including the loss of good time credits.

The petition and attachments show that petitioner's administrative remedies were rejected due to his failure to attach appropriate reports prepared by the discipline hearing officer. Petitioner asserts this was due to the failure of that officer to prepare the reports in a timely manner. It is apparent the petitioner's administrative appeal was rejected without prejudice, as the form states, "You must wait for a copy

of your DHO report before filing your appeal. You will have 20 days from the date you receive it." (Doc. 1, Attach. 1, Rejection Notice, March 23, 2012.)

Petitioner has since submitted the DHO report forms to the court (Doc. 7), but it is not clear whether he has presented new administrative appeals since his receipt of the reports.

The exhaustion of administrative remedies is a prerequisite to federal habeas corpus relief sought under § 2241. *See Garza v. Davis*, 596 F.3d 1198, 1203 (10th Cir.2010). A petitioner satisfies this requirement by using "'using all steps that the agency holds out.'" *Jones v. Davis*, 366 Fed. Appx. 942, 944 (10th Cir. 2010)(quoting *Woodford v. Ngo*, 548 U.S. 81, 90 (2006)).

Accordingly, the court will direct petitioner to supplement the record with a statement of whether or not he has renewed his administrative appeal following the receipt of the DHO reports.

IT IS, THEREFORE, BY THE COURT ORDERED petitioner's motion for leave to proceed in forma pauperis (Doc. 2) is denied as moot due to petitioner's payment of the filing fee.

IT IS FURTHER ORDERED petitioner shall advise the court on or before June 25, 2012, whether he filed an administrative appeal following his receipt of the DHO reports, and, if so, whether he has obtained a response. The failure to file a timely response may result in the dismissal of this matter without

prejudice and without additional prior notice.

A copy of this order shall be transmitted to the petitioner.

IT IS SO ORDERED.

DATED: This 11th day of June, 2012, at Topeka, Kansas.

S/ Richard D. Rogers
RICHARD D. ROGERS
United States District Judge