

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

EDUARDO PONCE-SERRANO,)	
)	
Petitioner,)	
)	
v.)	Case No. 24-3048-JWL
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	
)	
_____)	

ORDER AND NOTICE OF DEFICIENCY

In his criminal case, No. 16-40006-01, defendant Eduardo Ponce-Serrano has filed *pro se* a document that appears to be both a petition for habeas corpus pursuant to 28 U.S.C. § 2241 (Part I), in which he claims that he should receive certain Earned Time Credits (ETCs) against his sentence; and a motion for sentence reduction under Amendment 821 (Part II). The Court has therefore treated this filing as two distinct documents: first, a habeas petition under Section 2241, which will be litigated in this newly-opened civil case; and second, a motion for sentence reduction, which will be litigated in the existing criminal case.

As a habeas petition, however, the document filed by petitioner Ponce-Serrano is deficient, as habeas petitioners are required to file using a particular form mandated by the Court. The Clerk of Court is directed to provide the appropriate form to petitioner when serving a copy of this order. To pursue this habeas action, petitioner is required to file his petition using the form provided and the case number in the caption above, in which

petitioner should address only the issue raised in Part I of his initial filing. Petitioner shall file his petition on or before **May 2, 2024**. If he does not file his petition using the form provided, the Court may dismiss this action without further notice.

In addition, to pursue this action in this Court, petitioner is required either to pay the applicable filing fee of \$5.00 or to file an application to proceed *in forma pauperis* (without payment of the fee). The Clerk shall provide petitioner with the forms needed for the filing of such an application. If petitioner does not cure this deficiency by paying the filing fee or by submitting an application to proceed without payment of the fee on or before **May 2, 2024**, the Court may dismiss this action without further notice.

IT IS SO ORDERED.

Dated this 2nd day of April, 2024, in Kansas City, Kansas.

/s/ John W. Lungstrum
Hon. John W. Lungstrum
United States District Judge