

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

GERALD BATIE,
Plaintiff,

v.

Case No. 5:24-cv-302-KKM-PRL

FLORIDA DEPARTMENT OF
CORRECTIONS and WARDEN,
SUMTER CORRECTIONAL
INSTITUTION,
Defendants.

ORDER

Gerald Batie files a motion for a preliminary injunction but has not filed a petition or complaint. Until Batie files a petition or complaint, I may not consider a request for injunctive relief. Batie seeks release from his “illegal detainment” and thus, appropriately construed, seeks a writ of habeas corpus. (Doc. 1, p. 2.) To proceed with his claim, Batie must file a petition on the standard petition for writ of habeas corpus as required by Local Rule 6.04(a)(3). If Batie does not seek release, but instead seeks to challenge the conditions of his confinement, he must file a complaint on the standard prisoner civil rights form as required by Local Rule 6.04(a)(3).

Accordingly, the Court **ORDERS**:

1. The motion for a preliminary injunction is **DENIED without prejudice**.
2. Batie must file a petition or complaint on the appropriate standard form no later than **July 9, 2024**.
3. The **CLERK** is directed to **SEND** Batie a standard petition under 28 U.S.C. § 2254 for writ of habeas corpus, a standard prisoner civil rights form, and a copy of this order.

4. **The failure to comply with this order will result in the dismissal of this action without further notice.**

ORDERED in Ocala, Florida, on June 18, 2024.



Kathryn Kimball Mizelle
United States District Judge