

United States Court of Appeals
For the Eighth Circuit

No. 17-1090

Arizona Hall

Petitioner - Appellant

v.

Josh Hawley, Missouri Attorney General

Respondent - Appellee

Appeal from United States District Court
for the Eastern District of Missouri - St. Louis

Submitted: June 13, 2017

Filed: June 19, 2017

[Unpublished]

Before LOKEN, ARNOLD, and RILEY, Circuit Judges.

PER CURIAM.

On March 2, 2016, Arizona Hall filed a complaint in the United States District Court for the Eastern District of Missouri. He cited, among other statutes, 28 U.S.C. §§ 2241 and 2254, and 42 U.S.C. § 1983, and he claimed that he received ineffective assistance of counsel and suffered due process violations in proceedings underlying two separate criminal convictions that he incurred in 2013. Mr. Hall sought habeas

corpus relief, discharge of his convictions and sentences, and restitution. The district court instructed Mr. Hall to file an amended complaint raising only his civil rights claims, and directed the court clerk to send him a section 2254 form to use if he wished to file a separate habeas petition. See Hall v. State, No. 4:16-cv-00291-CDP (E.D. Mo. Sept. 9, 2016) (Hall 1).

Two weeks later Mr. Hall filed a section 2254 petition challenging both 2013 convictions; the court directed him to file an amended petition addressing only one conviction, and Mr. Hall complied. Thereafter, the court ordered Mr. Hall to show cause as to why the amended petition should not be dismissed as untimely. Attaching a copy of his Hall 1 filing, Mr. Hall argued that his claims were timely because he had first raised them before the limitations period expired. The district court dismissed the petition as untimely.

Upon careful review, we note that the district court did not discuss whether the claims in the amended petition relate back to those raised in Hall 1, which appears to have been filed within the limitations period. See Dodd v. United States, 614 F.3d 512, 515 (8th Cir. 2010) (claims in amended habeas petition relate back to original petition when they arise out of “same conduct, transaction, or occurrence” set forth in original petition and are tied to “common core of operative facts”). We vacate the order of dismissal and remand for the district court to consider the relation-back issue and—if the petition is deemed timely—the merits of Mr. Hall’s claims, including any procedural default. We express no opinion on these questions.
