

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

COREY E. TURNER, SR.,)
)
 Petitioner,)
)
 vs.)
)
 UNITED STATES,)
)
 Respondent.)

Case No. 1:16-cv-00130-JAR

MEMORANDUM & ORDER

This matter is before the Court on Petitioner Corey E. Turner, Sr.’s motion for judicial notice (Doc. No. 19) and motion requesting leave to file additional evidence to expand the record (Doc. No. 20).

In his motion for judicial notice, Petitioner asks the Court to take note of a recent Tenth Circuit case that he believes supports the relief requested in ground five of his § 2255 motion to vacate, set aside, or correct sentence. The Court will deny Petitioner’s motion but construe the filing as a memorandum in support and consider it on his motion to vacate, set aside, or correct sentence.

Petitioner is reminded that if he wishes to file an amended § 2255 motion to vacate, set aside, or correct sentence, he must include with his motion to amend a proposed pleading on the proper form that includes each and every claim he wishes to bring. Petitioner is cautioned that the filing of an amended pleading replaces the original, and claims that are not realleged are deemed abandoned. *See Popoalii v. Correctional Medical Services*, 512 F.3d 488, 497 (8th Cir. 2008) (finding it appropriate to deny leave to amend a complaint when a proposed amendment was not submitted with the motion).

Petitioner next seeks to file additional evidence to expand the record. However, Petitioner


fails to attach that evidence to his motion, and the Court is unable to make a ruling without first reviewing the evidence sought to be introduced. Thus, the Court will deny without prejudice his motion for leave to file additional evidence to expand the record.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's motion for judicial notice (Doc. No. 19) is **DENIED**.

IT IS FURTHER ORDERED that Petitioner's motion requesting leave to file additional evidence to expand the record (Doc. No. 20) is **DENIED without prejudice**.

Dated this 8 th day of May, 2018.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE