

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

ROGER R. CLAYTON,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

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No. 1:16-CV-147 SNLJ

MEMORANDUM AND ORDER

Plaintiff has failed to comply with the Court's Order dated July 5, 2016, in which the Court ordered movant to submit a signed and verified copy of his motion to vacate. A verified signature is required under 28 U.S.C. § 2242 and Rule 2(b)(5) of the Rules Governing § 2255 Proceedings. As a result, this action is dismissed for failure to prosecute. Fed. R. Civ. P. 41(b).

This Order will not affect movant's ability to file a timely § 2255 motion. The Court of Appeals issued its Mandate on July 27, 2016, in the underlying criminal action.

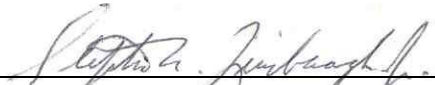
Finally, the Court finds that movant has not met the burden for issuing a certificate of appealability.

Accordingly,

IT IS HEREBY ORDERED that movant's motion to vacate under 28 U.S.C. § 2255 is **DISMISSED** without prejudice.

An Order of Dismissal will be filed separately.

Dated this 24th day of August, 2016.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE