

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

STANLEY J. DeGONIA,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:06-CV-1601 CDP
)	
MICHAEL BOWERSOX,)	
)	
Respondent.)	

ORDER

This matter is before the Court upon the application of Stanley J. DeGonia for leave to commence this action without payment of the required filing fee.

Upon review of the file, the Court notes that petitioner has failed to sign his motion to proceed in forma pauperis [Doc. #2], as well as his petition for writ of habeas corpus [Doc. #1]. Title 28 U.S.C. § 2242 states that an application for a writ of habeas corpus shall “be in writing signed and verified by the person for whose relief it is intended.” Furthermore, Rule 11 of the Federal Rules of Civil Procedure states that an unsigned pleading, written motion, or other paper "shall be stricken unless omission of the signature is corrected promptly after being called to the attention of the attorney or party."

Therefore,


IT IS HEREBY ORDERED that the Clerk shall return to petitioner the petition for writ of habeas corpus and the motion to proceed in forma pauperis and affidavit in support, together with a copy of this Order, for the purpose of obtaining petitioner’s original signature on each of these two documents.

IT IS FURTHER ORDERED that the Clerk shall retain in the Court's file a copy of the petition for writ of habeas corpus and motion to proceed in forma pauperis and affidavit in support.

IT IS FURTHER ORDERED that upon submission of a signed petition for writ of habeas corpus and motion to proceed in forma pauperis and affidavit in support, this action will be submitted to the Court for review pursuant to 28 U.S.C. § 1915.

IT IS FURTHER ORDERED that if petitioner fails to submit an originally-signed petition for writ of habeas corpus and motion to proceed in forma pauperis within thirty (30) days from the date of this Order, the case will be dismissed, without prejudice.

Dated this 8th day of November, 2006.


UNITED STATES DISTRICT JUDGE