

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

SAMUEL DENNY,)	
)	
Plaintiff,)	
)	
v.)	No. 4:11CV267 HEA
)	
TROY STEELE,)	
)	
Defendant.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on petitioner’s petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition will be summarily dismissed.

In the late hours of June 5, 1994, or the early hours of June 6, 1994, petitioner raped and murdered a two-and-a-half-year-old girl. A grand jury indicted petitioner on three counts of first-degree murder, sodomy, and forcible rape. Petitioner initially went to trial, but after two days of testimony he determined that the jury was likely to give him the death penalty. Thereafter, he pled guilty on all three counts pursuant to a plea agreement. On June 28, 1995, the court sentenced petitioner to life imprisonment without the possibility of parole.

Petitioner did not appeal his sentence, nor did he file a timely motion under Rule 24.035 of the Missouri Supreme Court Rules. Petitioner filed a Rule 91 petition

for writ of habeas corpus in Washington County, Missouri, on June 9, 2009, which was dismissed on November 9, 2009.

In the instant petition, petitioner claims to have new evidence that shows he is actually innocent. Petitioner brought a similar petition in December 2009, in which he brought the same evidence and claimed he was actually innocent. Denny v. Roper, 4:09CV2038 HEA (E.D. Mo.). The Court denied the petition on the basis that petitioner had failed to introduce credible evidence of his innocence.

The instant petition is successive to the petition he brought in December 2009. Moreover, petitioner has failed to introduce any evidence that would tend to show his innocence. As a result, the petition will be summarily dismissed. See Rule 4 of the Rules Governing Habeas Corpus Proceedings.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion to proceed in forma pauperis [#6] is **GRANTED**.

IT IS FURTHER ORDERED that the petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 is **DISMISSED**.

IT IS FURTHER ORDERED that petitioner's motion for extension of time [#5] is **DENIED** as moot.

An Order of Dismissal will accompany this Memorandum and Order.

Dated this 29th day of March, 2011.

A handwritten signature in black ink, appearing to read "Henry Edward Autrey", with a long horizontal flourish extending to the right.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE