

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

JOHNNIE GATES,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 4:12CV1719 DDN
	)	
TROY STEELE,	)	
	)	
Respondent.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on Petitioner’s motion to proceed in forma pauperis and motion to stay.

The Court has reviewed Petitioner’s financial information and finds that the motion to proceed in forma pauperis should be granted.

Petitioner moves the Court to stay this case pursuant to Rhines v. Weber, 544 U.S. 269 (2005). Petitioner asserts that he has a pending habeas petition in Washington County, Gates v. Steele, 12WA-CC00301 (24th Cir. Ct.). The state court, however, dismissed the petition on September 23, 2012. Id. As a result, Petitioner’s request to stay is moot.

Accordingly,

**IT IS HEREBY ORDERED** that Petitioner’s motion for leave to proceed in forma pauperis [Doc. 2] is **GRANTED**.

**IT IS FURTHER ORDERED** that Petitioner's motion to stay [Doc. 4] is  
**DENIED as moot.**

/S/ David D. Noce  
**UNITED STATES MAGISTRATE JUDGE**

Signed on September 27, 2012.