

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

ANTOINE LEVILLE HAMILTON, )  
)  
Petitioner, )  
)  
v. )  
)  
THERESA COUNTS BURKE, )  
)  
Respondent. )

No. 4:12CV2067 JCH

**MEMORANDUM AND ORDER**

This matter is before the Court on petitioner’s pro se “Affidavit of Financial Statement,” which the Court liberally construes as a motion to proceed in forma pauperis. The motion is defective because it does not contain the correct information and petitioner did not file a financial affidavit with it. As a result, the Court will direct petitioner to either pay the statutory filing fee or submit a correct motion and affidavit.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner’s pro se motion to proceed in forma pauperis [Doc. 2] is **DENIED** without prejudice.

**IT IS FURTHER ORDERED** that the Clerk shall mail to petitioner a copy of the Court’s Motion to Proceed In Forma Pauperis and Financial Affidavit forms.

**IT IS FURTHER ORDERED** that petitioner shall, within twenty-one (21) days of the date of this Order, either (1) pay the \$350 filing fee or (2) submit a complete

Motion to Proceed In Forma Pauperis and Financial Affidavit, utilizing the Court-provided forms.

**IT IS FURTHER ORDERED** that if petitioner fails to comply with this Order, the Court will dismiss this action for failure to prosecute.

Dated this 6th day of November, 2012.

/s/Jean C. Hamilton  
JEAN C. HAMILTON  
UNITED STATES DISTRICT JUDGE