

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

| | | |
|-----------------------|---|--------------------|
| RAFAEL A. JONES, SR., |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | No. 4:12CV2102 TCM |
| |) | |
| JEFF NORMAN, |) | |
| |) | |
| Respondent. |) | |

MEMORANDUM AND ORDER

This matter is before the Court on petitioner’s motion to alter or amend the dismissal of his application for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254. Also before the Court is petitioner’s motion for issuance of an arrest warrant of his current custodians, Jeff Norman and Stephen Hawk.

The Court dismissed petitioner’s application for writ as duplicative on December 13, 2012. In its Memorandum and Order and Order of Dismissal, the Court noted that because petitioner is currently challenging the same convictions and sentences in two other cases before this Court, Jones v. Norman, 4:11CV1310 LMB (E.D.Mo.) and Jones v. Lawrence, 4:10CV495 LMB (E.D. Mo.), his petition in the instant case is subject to dismissal. In his motion to alter or amend the dismissal petitioner asserts that he should be allowed an amendment to his petition, pursuant to Fed.R.Civ.P. 15. If petitioner wishes to seek an amendment

to his application for writ of habeas corpus he must do so in his prior cases, where appropriate: either 4:11CV1310 LMB or 4:10CV495 LMB. He cannot seek amendment through the filing of an entirely new action. As such, his motion to alter or amend the dismissal of this action must be denied.

The Court will summarily deny petitioner's motion for issuance of an arrest warrant of his current custodians, Jeff Norman and Stephen Hawk.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion to alter or amend the dismissal of his application for writ of habeas corpus [Doc. #22] is **DENIED**.

IT IS FURTHER ORDERED that petitioner's motion for issuance of an arrest warrant [Doc. #21] is **DENIED**.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability. 28 U.S.C. § 2253.

Dated this 7th day of January, 2013.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE