

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

WILLIAM BILLY GENE CARTER,        )  
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    )  
Petitioner,                            )  
    )  
    )  
v.                                      )    No. 4:12CV2159 HEA  
    )  
    )  
MARTHA MARTIN,                      )  
    )  
    )  
Respondent.                            )

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on petitioner's first amended petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The Court has reviewed the amended petition under Rule 4 of the Rules Governing Section 2254 Cases and finds that it both does not comply with the Rules and that it is dismissible.

Rule 2(e) states, "A petitioner who seeks relief from judgments of more than one state court must file a separate petition covering the judgment or judgments of each court." The petition does not comply with Rule 2(e) because it attempts to challenge two separate judgments. If petitioner wishes to challenge two judgments, he must file two separate petitions.

Before bringing an application for habeas corpus in federal court, a state civil committee must first exhaust his state remedies. 28 U.S.C. § 2254(b). According to the petition, petitioner has not recently filed any proper motion for postconviction

relief or petition for writ of habeas corpus in the state courts. The Court will allow petitioner to file a second amended petition. In it, petitioner must specifically show that he has exhausted his available state remedies as they pertain to this action.

Petitioner has thirty days to file a second amended petition for writ of habeas corpus. The petition may only address a single criminal conviction or judgment of a probate court with regard to a civil commitment order. The petition shall demonstrate the steps by which petitioner has exhausted his available state remedies, and it shall state clearly his federal grounds for relief.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner shall, within thirty days of the date of this Order, submit a petition for writ of habeas corpus that complies with this Order.

**IT IS FURTHER ORDERED** that the Clerk of Court shall mail to plaintiff a copy of the Court's petition for writ of habeas corpus under § 2254 form.

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

Dated this 5th day of December, 2012.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE