

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

STEVEN MARK REEVES,)
Petitioner,)
v.) No. 4:12CV2185 ACL
CHRIS KOSTER, et al.,)
Respondents,)

MEMORANDUM AND ORDER

This matter is before the Court upon its own review. On November 13, 2012, petitioner Steven Mark Reeves filed an application for writ of habeas corpus, pursuant to 28 U.S.C. § 2254 concerning a 2011 conviction in St. Louis County, Missouri.

On November 3, 2011, the Circuit Court of St. Louis County sentenced petitioner to concurrent terms of thirty-six (36) months' of imprisonment on two counts of possession of child pornography. The court further ordered that petitioner serve his state sentence with his thirty-seven (37) month federal sentence stemming from petitioner's October 25, 2011 guilty plea to two federal counts of possession of child pornography.

At the time this lawsuit was filed, petitioner was an inmate at the Forrest City Federal Correctional Institution ("FCI") in Forrest City, Arkansas. Anthony Hayes is the Warden of Forrest City FCI, and was therefore named as a respondent in this action, pursuant to Rule 2(a) of the Rules Governing Section 2254 Cases in the United States District Courts. However, petitioner has since been released from custody and is currently residing at 520 Paddlewheel Street, Florissant, Missouri 63033.

After reviewing the memoranda in this matter, it appears that petitioner is currently under the supervision of the Missouri Board of Probation and Parole. As such, the proper respondent in this action, which deals only with petitioner's state court conviction, is Ellis McSwain, the Chairman of the Board of Probation and Parole. *See* Advisory Committee Notes accompanying Rule 2 of the Rules Governing Section 2254 Cases in the United States District Courts. As such, the Court will terminate respondents Chris Koster and Anthony Hayes from this matter and substitute Mr. McSwain as the proper respondent in their place.

Accordingly,

IT IS HEREBY ORDERED that respondents Anthony Hayes and Chris Koster are terminated as respondents in this matter.

IT IS FURTHER ORDERED that Ellis McSwain, the Chairman of the Missouri Board of Probation and Parole, is substituted as the proper respondent in this action. *See* Rule 2 of the Rules Governing Section 2254 Cases in the United States District Courts.

IT IS FURTHER ORDERED that the Missouri Attorney General's Office shall have twenty (20) days to enter their appearance on behalf of respondent Ellis McSwain, by and through defense counsel Kameron Lawson and Stephen D. Hawke.

Dated this 30th day of May, 2014.



ABBIE CRITES-LEONI
UNITED STATES MAGISTRATE JUDGE