

No. 4:13-CV-595-CEJ

Appeals for the Eighth Circuit certifies that the second or successive petition meets the requirements set forth in 28 U.S.C. § 2244(b)(3)(A). Also, petitioner is advised that § 2254 petitions are subject to a one-year limitations period. *See* 28 U.S.C. § 2244(d).

If petitioner consents to the designation of this action as a § 2254 petition, he must inform the Court of his decision, in writing, and he must file an amended § 2254 petition. If petitioner opposes the designation, or if petitioner fails to respond to this order as directed, then the Court will dismiss the action without prejudice and without characterizing the filing as a § 2254 petition.

Accordingly,

IT IS HEREBY ORDERED that petitioner shall have until **June 26, 2013**, to file a document stating whether he consents or does not consent to the designation of this action as a proceeding for habeas corpus relief under 28 U.S.C. § 2254.

IT IS FURTHER ORDERED that if petitioner consents to the designation, then he shall have until June 26, 2013, to file an amended § 2254 petition on a court-provided form.

IT IS FURTHER ORDERED that if petitioner does not consent to the designation or if he fails to comply with this Order, then this action will be dismissed without prejudice and without being designated as a § 2254 proceeding.

IT IS FURTHER ORDERED that the clerk of court shall mail petitioner a copy of the printed form used for filing a petition for a writ of habeas corpus under 28 U.S.C. § 2254.

Dated this 22nd day of May, 2013.


UNITED STATES DISTRICT JUDGE