

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

DAVID THRASHER,)
Petitioner,)
v.) No. 4:13-CV-595-CEJ
MISSOURI DEPARTMENT OF)
CORRECTIONS,)
Respondent.)

MEMORANDUM AND ORDER

On March 28, 2013, petitioner submitted a document titled “Redress a Violation of the Law of the United States,” in which he requests relief from his state court conviction. In the interests of justice, the clerk of court provisionally docketed the document as a petition for a writ of habeas corpus under 28 U.S.C. § 2254.

Before this action can be designated by the Court as a habeas corpus proceeding under § 2254, petitioner must be given the opportunity to either consent to the designation or withdraw the filing. *See, e.g., Morales v. United States*, 304 F.3d 764, 767 (8th Cir. 2002). If petitioner consents to the designation of this action as a proceeding under § 2254, he will be subject to the restrictions on filing second or successive petitions for habeas corpus relief. Thus, petitioner will not be permitted to file a second or successive § 2254 petition unless the United States Court of

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,

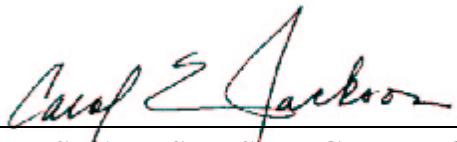
IT IS HEREBY ORDERED that petitioner shall have until **June 26, 2013**, to file a document stating whether he consents or does not consent to the designation of this action as a proceeding for habeas corpus relief under 28 U.S.C. § 2254.

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