

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

RAYMOND J. COOK,)
)
 Petitioner,)
)
 v.) No. 4:13CV1137 TIA
)
 JAY CASSADY,)
)
 Respondent.)

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's refusal to comply with the Court's orders. Petitioner filed his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 in the Western District of Missouri. The Western District transferred the action to this Court because petitioner's conviction arose within this District. Upon receipt of the petition, the Court reviewed it pursuant to Rule 4 of the Rules Governing Habeas Cases and found that it did not comply with Rule 2 of the Rules Governing Habeas Cases or Rule 8(a) of the Rules of Civil Procedure. As a result, the Court ordered petitioner to submit an amended petition that complied with the Rules.

Petitioner responds that he will not comply with the Court's orders because he does not want his petition decided in this District and because he believes his petition is sufficient.

Rule 41(b) permits the Court to dismiss an action where the filing party refuses to follow the Court's orders. Rule 4 of the Rules Governing Habeas Cases requires that the Court conduct a *sua sponte* review of habeas petitions and to dismiss them if it appears that petitioner is not entitled to relief. Rule 2(d) of the Rules Governing Habeas Cases requires that a petition must substantially follow the form distributed by the Court. "A [petition] which fails to comply with Rule 8 may be dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b) after allowing time to file an amended complaint." Mangan v. Weinberger, 848 F.2d 909, 911 (8th Cir. 1988).

The Court will dismiss this action because the petition does not comply with the applicable rules and because petitioner has refused to comply with the Court's orders.

As a result,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice.

An Order of Dismissal will accompany this Memorandum and Order.

Dated this 19th day of August, 2013.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE