

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

MICHAEL J. HOUSTON,)	
)	
Petitioner,)	
)	
v.)	No. 4:13CV1242 AGF
)	
STATE OF MISSOURI,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner’s “Motion [to the] Court and Request for the Disposition of Indictments Rule RSMO § 217.450-217.485 Under the Article III Agreement Detainers.” After reviewing Petitioner’s motion, it appears that it is really a second motion for reconsideration of the Court’s dismissal of his petition for writ of habeas corpus, brought pursuant to 28 U.S.C. § 2241.

Petitioner asserts in his motion that he has sought to proceed pro se in his criminal action, and he motions the Court for disposition of the state court criminal indictments against him.¹

¹It appears that petitioner is referring to the Uniform Detainer Law, Mo.Rev.Stat. § 217.460, which permits incarcerated persons to demand a trial on a pending charge and require dismissal of the charge if the defendant is not brought to trial on the charge within 180 days after a proper demand for trial is filed. The Court must remind petitioner, however, that he is lodging his request for trial in the wrong court. Under § 217.450.1, “[t]he request shall be in writing addressed to the

The Court has reviewed the docket of Petitioner's criminal action on Missouri Case.Net and notes that a new attorney, Jeffrey Matthew Shellenberger, entered his appearance on Petitioner's behalf on August 1, 2013. As noted in the Court's prior Memorandum and Order, as well as the Court's Memorandum and Order denying Petitioner's prior motion for reconsideration of the dismissal, Petitioner's allegations of the denial of his speedy trial rights are entirely conclusory and do not contain any facts, which if proved, would demonstrate that he has been deprived of the right to a speedy trial. Additionally, the claims raised by Petitioner can be adequately raised with his appointed counsel, at trial or in a subsequent state proceeding. As a result, Petitioner's current motion before the Court will be denied.

Accordingly,

IT IS HEREBY ORDERED that Petitioner's "Motion [to the] Court and Request for the Disposition of Indictments Rule RSMO § 217.450-217.485 Under the Article III Agreement Detainers." [Doc. #6] is **DENIED**.

court in which the indictment, information or complaint is pending and to the prosecuting attorney charged with the duty of prosecuting it, and shall set forth the place of imprisonment." (emphasis added). Petitioner has been charged in the Circuit Court of St. Louis City. See State of Missouri v. Houston, Cause No. 1222-CR05611-01. Thus, his motion in this Court cannot start the 180-day time period under the Detainer Law.

IT IS FURTHER ORDERED that the Court will not issue a certificate of appealability.

IT IS FURTHER ORDERED that petitioner shall not be allowed to file any additional motions in this closed case.

Dated this 20th day of August, 2013.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE