

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JEFFREY GARVEY,)
)
Petitioner,)
)
v.)
)
IAN WALLACE,)
)
Respondent.)

Case No. 4:13CV01635 AGF

MEMORANDUM AND ORDER

This matter is before the Court on Respondent’s motion to strike Jeffrey Garvey’s petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 and petitioner’s motion for an order requiring Respondent to provide Petitioner with copies of the exhibits attached to the response to the petition for habeas corpus.

A document signed by Uel Joe Freeman, who asserts that he is a paralegal acting for Petitioner, was filed with this Court On August 19, 2013.¹ (Doc. No.1.) Respondent moves to strike that petition asserting that the rules governing habeas corpus actions require that the petition be signed by the inmate or by a person legally authorized to sign on behalf of the inmate. Rule 2(c)(5), Rules Governing Section 2254. In response to the motion to strike Petitioner filed a notarized statement indicating that he had authorized the filing of the petition on his behalf and agrees that all of his grounds for habeas relief have been presented in the petition.

Rule 2(c) is designed in part to assure that a prisoner has fully presented all grounds for relief in a single petition. In addition, the Rule’s authorization requirement assures that a prisoner’s right to present additional grounds is not waived without his permission rendering the

¹ Petitioner Garvey properly certified the other documents in the file bear on his own behalf. (Doc. Nos. 1-2 & 2.)

petition subject to amendment. *See Whitmore v. Arkansas*, 495 U.S. 149, 163-65 (1990); *see also* 28 U.S.C. § 2244 (requiring a limiting a habeas petitioner to present all grounds for relief in a single petition). Upon review of petitioner's notarized statement the Court is satisfied that it renders the petition compliant under Rule 2(c)(5) and will deny Respondent's motion to strike as moot.

With respect to the provision of exhibits, Petitioner correctly asserts that under the Rules governing Section 2254 he is entitled to receive copies of the exhibits attached to the Respondent's brief. Rule 5(c).

Accordingly,

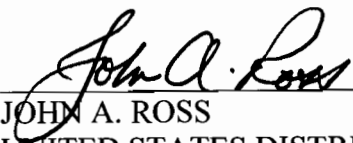
IT IS HEREBY ORDERED that Respondent's motion to strike is **DENIED as moot**.

(Doc. No. 8.)

IT IS FURTHER ORDERED that Petitioner's request for a court order regarding the exhibits and for additional time to file his reply brief is **GRANTED**. (Doc. No. 12.)

IT IS FURTHER ORDERED that on or before **December 2, 2013**, Respondent shall serve Petitioner with copies of Exhibits A-M attached to its response brief. (Doc. No. 9-1.)

IT IS FURTHER ORDERED that Petitioner is granted additional time through **January 31, 2014**, to file his reply brief.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE

Dated this 29th day of October, 2013