

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

STANTON Q. SHELTON,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 4:14CV1617 SNLJ
	)	
GERARD A. NESTER,	)	
	)	
Respondent,	)	

**MEMORANDUM AND ORDER**

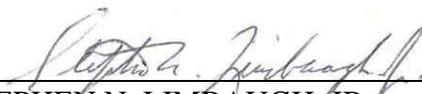
This matter is before the Court on petitioner’s petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Because it does not appear that petitioner is “in custody,” the Court will require petitioner to show cause why the petition should not be summarily dismissed.

In order to obtain relief under § 2254, a petitioner must demonstrate that he is “in custody.” The custody requirement is jurisdictional. E.g., Maleng v. Cook, 490 U.S. 488, 490 (1989) (per curiam). Petitioner is not confined in an institution, and he does not allege that his freedom is currently restrained by the state. As a result, the Court does not appear to have jurisdiction over the petition.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner shall show cause no later than October 13, 2014, why this action should not be dismissed for lack of jurisdiction.

Dated this 22<sup>nd</sup> day of September, 2014.


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 STEPHEN N. LIMBAUGH, JR.  
 UNITED STATES DISTRICT JUDGE