

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

NATHANIEL GATES, )  
Petitioner, )  
v. ) No. 4:14CV1931 RLW  
TERRY RUSSELL, )  
Respondent. )

**MEMORANDUM AND ORDER**

This matter is before the Court on petitioner's post-dismissal motion to amend his application for writ of habeas corpus. This action was dismissed by this Court on November 25, 2014.

After reviewing the proposed amended petition, the Court will decline to reopen this action. As the Court set forth in its prior Memorandum and Order and accompanying Order of Dismissal, petitioner is not entitled to relief under habeas corpus. Moreover, even if petitioner could attain relief under habeas corpus, his petition would have to be summarily dismissed due to petitioner's failure to fully exhaust his state remedies. Nothing in the amended petition remedies the grounds under which the prior petition was dismissed. As such, petitioner's request to reopen this action and file an amended petition will be denied.

Accordingly,

**IT IS HEREBY ORDERED** that petitioner's application to amend his petition [Doc. #6] is **DENIED**.

**IT IS FURTHER ORDERED** that no certificate of appealability shall issue.

Dated this 15<sup>th</sup> day of December, 2014.



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RONNIE L. WHITE  
UNITED STATES DISTRICT JUDGE