

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

TODD W. SCOTT,)	
)	
Petitioner,)	
)	
vs.)	No. 4:14CV2074 HEA
)	
UNKNOWN BUSH, et al.,)	
)	
Respondents.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court upon review of petitioner=s motion for leave to proceed in forma pauperis [Doc. #2]. The Court will grant the motion.

Petitioner, a pre-trial detainee at the St. Louis City Justice Center, has filed a petition for writ of habeas corpus [Doc. #1]. Liberally construing the petition, petitioner is challenging the merits of his ongoing state criminal proceeding; however, the habeas petition was not drafted on a court-provided form, and it is unclear if petitioner exhausted his available remedies prior to filing this action.¹

¹ In the absence of exceptional circumstances, a state prisoner must exhaust currently available and adequate state remedies before invoking federal habeas corpus jurisdiction. *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973). State remedies are ordinarily not considered exhausted if an individual may effectively present his claim to the state courts by any currently available and adequate procedure. Not only will petitioner have the opportunity to raise constitutional challenges in the context of his state criminal proceedings, and if necessary, subsequent appeal, but the State of Missouri provides habeas corpus relief for prisoners in its custody.

For these reasons, the Court will instruct petitioner to file an amended petition on a court-provided form.

Therefore,

IT IS HEREBY ORDERED that petitioner's request for leave to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk of Court shall forward to petitioner the court-provided form for filing a "Petition for a Writ of Habeas Corpus under 28 U.S.C. ' 2241" (Form AO-0242).

IT IS FURTHER ORDERED that petitioner shall complete this habeas corpus form petition in its entirety and return it to the Court within thirty (30) days from the date of this Order.

IT IS FURTHER ORDERED that if petitioner fails to comply with this Order, the Court will dismiss this action, without prejudice and without further notice to him.

Dated this 27th day of January, 2015.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE