

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

JOSEPH ANTONIO WEAVER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 4:15CV19 SPM
	)	
THOMAS J. FRAWLEY, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM AND ORDER**

This matter is before the Court on plaintiff's failure to comply with the Court's order dated January 15, 2015. The Court directed plaintiff to file an amended complaint along with either the \$400 filing fee or a motion for leave to proceed in forma pauperis. As a result, the Court dismisses this action under Rule 41(b) of the Federal Rules of Civil Procedure.

The Court notes that plaintiff has submitted two requests for stamps. He claims he cannot afford the postage to file an amended complaint in this Court. Plaintiff's assertion, however, is undercut by the fact that he affixed postage to both of his request for stamps.

Additionally, the Court notes that plaintiff's complaint does not contain any non-frivolous allegations. Plaintiff pled guilty to possession of a controlled substance and was sentenced to fifteen years' imprisonment. Missouri v. Weaver, No. 1022-CR03084-01 (City of St. Louis). In his complaint, plaintiff seeks to reverse his conviction and receive money damages. These claims are barred by Heck v. Humphrey, 512 U.S. 477, 486-87 (1994). Moreover, plaintiff's allegations are wholly conclusory and fail to allege any facts, which if proved, would entitle him to relief. Finally, the complaint is unsigned in violation of Rule 11 of the Federal Rules of Civil Procedure.

Accordingly,

**IT IS HEREBY ORDERED** that this action is dismissed under Rule 41(b) of the Federal Rules of Civil Procedure.

An Order of Dismissal will be filed separately.

Dated this 5<sup>th</sup> day of March, 2015.

A handwritten signature in black ink, appearing to read "Rodney W. Sippel", written over a horizontal line.

RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE