

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

STANTON Q. SHELTON,	)	
	)	
Petitioner,	)	
	)	
v.	)	No. 4:15-CV-556-CEJ
	)	
GERARD A. NESTER,	)	
	)	
Respondent,	)	

**MEMORANDUM AND ORDER**

This matter is before the court on petitioner’s motion for leave to proceed in forma pauperis [Doc. #2] and amended petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 [Doc. #5]. Upon review of petitioner’s financial information, the motion to proceed in forma pauperis will be granted.

Liberal­ly construing the petition, it appears that petitioner has been adjudicated incompetent in state court proceedings, and he is challenging the appointment of a guardian over his person. Petitioner currently has pending before the court a previous challenge to the guardianship, Shelton v. Nester, 4:13-CV-1050-SNLJ-NAB (E.D. Mo.). The subject matter of the instant petition is duplicative of the previous case. As a result, the court will dismiss the instant petition without prejudice. Additionally, the court will not issue a certificate of appealability.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff’s motion for leave to proceed in forma pauperis [Doc. #2] is **granted**.

An Order of Dismissal will be filed separately.

Dated this 30th day of April, 2015.

A handwritten signature in black ink, appearing to read "Carol E. Jackson", written over a horizontal line.

CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE