

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

BRYAN SEDDENS,)	
)	
Petitioner,)	
)	
v.)	No. 4:16-CV-449 AGF
)	
IAN WALLACE,)	
)	
Respondent,)	

MEMORANDUM AND ORDER

This matter is before the Court on petitioner’s petition for writ of habeas corpus under 28 U.S.C. § 2254. Petitioner argues that he is entitled to relief pursuant to *Miller v. Alabama*, 132 S.Ct. 2455 (2012), in which the Court held that mandatory life imprisonment without parole for those under the age of eighteen at the time of their crimes violates the Eighth Amendment’s prohibition on cruel and unusual punishments.

The petition is successive. *See Seddens v. Bowersox*, No. 4:97-CV-682 DJS. As a result, the Court lacks jurisdiction over it, and the Court will transfer this action to the Court of Appeals for the Eighth Circuit. *See* 28 U.S.C. § 1631.

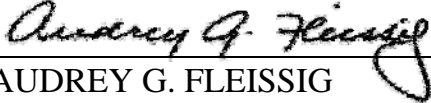
Accordingly,

IT IS HEREBY ORDERED that plaintiff’s motion to proceed in forma pauperis [ECF No. 2] is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff’s motion for appointment of counsel [ECF No. 3] is **DENIED** as moot.

IT IS FURTHER ORDERED that this action is **TRANSFERRED** to the Court of Appeals for the Eighth Circuit.

Dated this 26th day of May, 2016.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE