

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

ADAN MAGANA-SANCHEZ,)	
)	
Movant,)	
)	
v.)	No. 4:16CV1052 ERW
)	
UNITED STATES OF AMERICA,)	
)	
Respondent,)	

MEMORANDUM AND ORDER

This matter is before the Court on movant’s pro se motion to vacate under 28 U.S.C. § 2255. As movant will be proceeding pro se in this matter, and this is the only motion to vacate he will be entitled to file relating his sentence and conviction, *see Morales v. United States*, 304 F.3d 764, 765 (8th Cir. 2002), the Court will require movant to file an amended motion to vacate in this matter on a court-provided form.¹ *See* E.D.Mo.L.R. 2.06(A).

In his amended motion to vacate, movant should articulate each and every ground under which he is seeking relief from his conviction and sentence. Movant shall be given thirty (30) days to file his amended motion.

Accordingly,

IT IS HEREBY ORDERED that the Clerk is directed to send movant a § 2255 form.

¹In movant’s original motion to vacate, he has indicated that he had every intention to file a “motion for ineffective assistance of counsel.” However, he has not brought a claim for ineffective assistance of counsel within his motion to vacate as of this time. The only place movant may bring an ineffective assistance of counsel claim would be in his amended motion to vacate. Therefore, if movant believes he has such a claim, he must include it in his amended motion brought pursuant to 28 U.S.C. § 2255.

IT IS FURTHER ORDERED that movant must fill out the form and return it to the Court within thirty (30) days of the date of this Order. If movant fails to comply with this Order, the Court may dismiss this action without further proceedings.

Dated this 2nd day of November, 2016.

A handwritten signature in black ink, appearing to read "E. Richard Webber". The signature is written in a cursive style with a large initial "E".

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE