

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

MICHAEL ANDRE MAHONE,

Petitioner,

v.

DOUGLAS J. PRUDDEN,

Respondent,

No. 4:16-CV-1122 CEJ

MEMORANDUM AND ORDER

This matter is before the Court on the petition of Michael Mahone for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Also before the Court is the petitioner's motion for leave to proceed in forma pauperis.

In the absence of exceptional circumstances, a plaintiff 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.

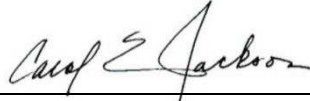
In this case, petitioner is currently pursuing postconviction relief in state court. *Mahone v. Missouri*, 13SL-CC01449-01 (St. Louis County). Therefore, it appears that the instant petition is premature.

Accordingly,

IT IS HEREBY ORDERED that petitioner's motion for leave to proceed in forma pauperis is **granted**.

IT IS FURTHER ORDERED that petitioner will have until **September 1, 2016** to show cause in writing why this action should not be dismissed for failure to exhaust state remedies.

Dated this 11th day of August, 2016.

A handwritten signature in cursive script, reading "Carol E. Jackson", positioned above a horizontal line.

CAROL E. JACKSON
UNITED STATES DISTRICT JUDGE