

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

DOUGLAS DAYTON, )  
Petitioner, )  
v. ) No. 4:17-CV-773 PLC  
STATE OF MISSOURI, et al., )  
Respondents. )

**MEMORANDUM AND ORDER**

This matter is before the Court sua sponte. On March 6, 2017, petitioner was ordered to amend his petition for writ of habeas corpus. On that same date he was also required to file a motion to proceed in forma pauperis in this matter or pay the full \$5 filing fee. After motioning the Court on April 25, 2017 for an extension of time to comply, the Court allowed petitioner until May 31, 2017 to file the required pleadings with the Court. As of this date, petitioner has failed to comply with the Court's Orders.

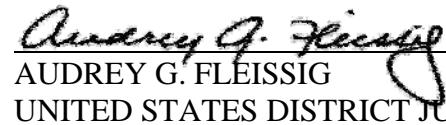
Petitioner will be required to show cause, within ten (10) days of the date of this Memorandum and Order, why this matter should not be dismissed for failure to prosecute and/or for failure to comply with a Court Order pursuant to Fed.R.Civ.P.41.

Accordingly,

**IT IS HEREBY ORDERED** that within ten (10) days of the date of this Memorandum and Order, petitioner shall show cause why this action should not be dismissed, without prejudice, for failure to prosecute and/or for failure to comply with this Court's March 6, 2017 Memorandum and Order requiring petitioner to file an amended complaint on a court form, as well as for failing to file a motion to proceed in forma pauperis.

**IT IS FURTHER ORDERED** that if petitioner fails to show cause in a timely manner or fails to file the required pleadings within ten (10) days of the date of this Memorandum and Order, this action will be dismissed without prejudice. *See Fed.R.Civ.P.41.*

Dated this 11<sup>th</sup> day of July, 2017.

  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE