UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

TONY EDMOND,	)
	)
Petitioner,	)
	)
v.	) No. 4:18-CV-521 DDN
	)
JOSEPH CASSADY,	)
	)
Respondent.	)

MEMORANDUM AND ORDER

Before the Court is petitioner's pro se application for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition is defective because petitioner did not use the Court's form, *see* Local Rule 2.06(A), and because petitioner did not pay the $5 filing fee or file a motion for leave to proceed in forma pauperis.

Furthermore, the Court notes that petitioner has had a prior habeas in this Court that appears related to the instant action. *See Edmond v. Villmer*, No. 4:14-CV-1275 (E.D.Mo.).[1] To the extent petitioner is attempting to seek habeas corpus on the same state court conviction and sentence, this matter would be successive and outside the jurisdiction of this Court. If petitioner is seeking review of a separate state court conviction and sentence, he should carefully articulate the correct state court case number on the habeas corpus form.

Accordingly,

IT IS HEREBY ORDERED that the Clerk is directed to send petitioner both a motion for leave to proceed in forma pauperis form and a § 2254 form.

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[1]Title 28 U.S.C. § 2244(b)(3)(A) provides that "[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application."

IT IS FURTHER ORDERED that, no later than twenty-eight (28) days from this Order, petitioner must either pay the $5 filing fee or file a motion for leave to proceed in forma pauperis.

IT IS FURTHER ORDERED that petitioner must fill out the § 2254 form and return it to the Court within twenty-eight (28) days of the date of this Order. If petitioner fails to comply with this Order, the Court may dismiss this action without further proceedings.

Dated this _12 th_ day of April, 2018.

DAVID D. NOCE
UNITED STATES MAGISTRATE JUDGE