

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

HYDRES BINION,)	
)	
Petitioner,)	
)	
v.)	No. 4:23-CV-0056 SPM
)	
TERI VANDERGRIFF,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on petitioner’s application for writ of habeas corpus brought pursuant to 28 U.S.C. § 2254. [ECF No. 1]. The petition is defective because petitioner has not completed the court-form in its entirety. Also before the Court is petitioner’s application to proceed in forma pauperis. [ECF No. 2]. The Court will grant petitioner’s application to proceed in forma pauperis and waive the filing fee in this action.

Petitioner will be required to amend his application for writ on a court-provided form.¹ Petitioner is directed to fill out the § 2254 form in its entirety and return it to the Court within thirty (30) days of the date of this Order.² Failure to comply with the instant Order will result in the dismissal of this action without prejudice and without further notice.

Accordingly,

¹The Clerk of Court will be directed to send to petitioner a copy of the Court’s 28 U.S.C. § 2254 form.

²The Court notes that petitioner has not filled in the name and location of the court that entered the judgment of the conviction that he is challenging. Additionally, petitioner has failed to fill in the date of his sentencing, as well as any appellate filings relative to his conviction. To review the timeliness and exhaustion of petitioner’s application for writ brought pursuant to 28 U.S.C. § 2254, petitioner must complete the court-form to the best of his ability.

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

IT IS FURTHER ORDERED that the Clerk of Court shall send to petitioner a copy of the Court's 28 U.S.C. § 2254 form.

IT IS FURTHER ORDERED that petitioner must fill out the 28 U.S.C. § 2254 form and return it to the Court within **thirty (30) days** of the date of this Order. Petitioner must fill in all parts of the court-form to the best of his ability.

IT IS FURTHER ORDERED that if petitioner fails to comply with this order, this action will be dismissed without prejudice and without further notice.



SHIRLEY PADMORE MENSAH
UNITED STATES MAGISTRATE JUDGE

Dated this 19th day of January, 2023.