

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 13-1120-CAS (AGR) Date August 5, 2013

Title Stefano Rocco v. Orange County Superior Court

Present: The Honorable Alicia G. Rosenberg, United States Magistrate Judge

Marine Pogosyan

n/a

n/a

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Petitioner:

Attorneys Present for Respondent:

None

None

Proceedings: In Chambers: **ORDER TO SHOW CAUSE**

Petitioner is ordered to show cause **on or before August 26, 2013**, why the petition should not be summarily dismissed for failure to comply with Rule 2(c) and (d) of the Rules Governing Section 2254 Cases.

On July 26, 2013, Petitioner filed a petition for writ of habeas corpus. Except for the caption page, Petitioner used a California form for a Petition for Writ related to a misdemeanor, infraction, or limited civil case. The state form is not a petition for writ of habeas corpus. Petitioner appears to be challenging either a Superior Court ruling or an Appellate Division ruling, or both. The remainder of Petitioner's submission here consists of exhibits. It appears that Petitioner was convicted in 2009 of stealing a bottle of ketchup from the Chapman University dining area. (Petition, Dkt. No. 1-1 at 9 (Orange County Register article dated May 23, 2011).)

28 U.S.C. § 2254 provides that "a district court shall entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court only on the ground that he is in custody in violation of the Constitution or laws or treaties of the United States."

Rule 2(c) of the Rules Governing Section 2254 Cases states that the petition must "(1) specify all the grounds for relief available to the petitioner; (2) state the facts supporting each ground; (3) state the relief requested; . . . and (5) be signed under penalty of perjury by the petitioner." Rule 2(d) states that the "petition must substantially follow either the form appended to these rules or a form prescribed by a local district-court rule."

The petition does not comply with Rule 2(c) or (d). Accordingly, Petitioner is **ORDERED** to submit an amended petition **on or before August 26, 2013**, using the Central District's § 2254 form. Petitioner is free to attach any documents he wishes to the petition. The

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Clerk is directed to send Petitioner a state habeas corpus packet.

If Petitioner does not timely respond to this order to show cause, the petition is subject to summary dismissal.

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