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**IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF CALIFORNIA**

<b>CLYDE M. TATE,</b>	)	<b>1:06-cv-01359-AWI WMW HC</b>
	)	
<b>Petitioner,</b>	)	<b>SECOND ORDER REQUIRING</b>
	)	<b>FILING OF AMENDED</b>
<b>vs.</b>	)	<b>PETITION WITHIN THIRTY</b>
	)	<b>DAYS</b>
	)	
<b>CALIFORNIA STATE OF,</b>	)	
	)	
<b>Respondent.</b>	)	
	)	
_____	)	

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On April 11, 2007, the court entered an order explaining to Petitioner that he had failed to name the correct respondent and that Petitioner’s petition is defective because it lacks page five. The court therefore issued the following order

Accordingly, Petitioner is **HEREBY GRANTED** thirty days from the date of this order to file a first amended petition, containing all the required pages and naming the correct respondent. Petitioner’s failure to do so will result in

1 recommendations that this action be dismissed.

2 In response to the court's order, Petitioner filed two pages: a new cover page naming  
3 the correct respondent and a copy of page 5 of his petition. In doing so, Petitioner failed to  
4 comply with this court's order requiring him to file "a first amended petition, containing all  
5 the required pages." All of the required pages in a petition for writ of habeas corpus refers to  
6 the entire form. Petitioner's petition must necessarily be comprised of more than the two  
7 pages he identifies as his amended petition, and the court must have one complete petition to  
8 review. It is possible that Petitioner did not understand the court's order. Therefore,  
9 Petitioner will be granted one additional opportunity to comply with the order.

10 Accordingly, IT IS HEREBY ORDERED as follows:

11 Petitioner SHALL FILE, within thirty (30) days of the date of service of this order, a second  
12 amended petition which is complete within itself. It must contain ALL of the correct pages  
13 of the Petitioner's petition. Petitioner's failure to file such a self-contained, complete second  
14 amended petition will result in the dismissal of this action.

15 IT IS SO ORDERED.

16 **Dated: February 7, 2008**

**/s/ William M. Wunderlich**  
**UNITED STATES MAGISTRATE JUDGE**