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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NICHOLAS J. QUEEN,)	1:09-cv-0-01224-SKO-HC
)	
Petitioner,)	ORDER DIRECTING PETITIONER TO
)	FILE A SUPPLEMENT TO THE PETITION
)	CONTAINING A VERIFICATION NO
v.)	LATER THAN THIRTY (30) DAYS AFTER
)	THE DATE OF SERVICE OF THIS ORDER
H. A. RIOS, JR., Warden,)	(Doc. 1)
)	
Respondent.)	
)	
)	

Petitioner is a federal prisoner proceeding pro se and in forma pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Pursuant to 28 U.S.C. § 636(c)(1), the parties have consented to the jurisdiction of the United States Magistrate Judge to conduct all further proceedings in the case, including the entry of final judgment, by manifesting their consent in writings signed by the parties or their representatives and filed by Petitioner on July 23 and 24, 2009, and on behalf of Respondent on June 9, 2010. Pending before the Court is the petition, which was filed on June 26, 2009.

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1 I. Screening the Petition

2 The Rules Governing Section 2254 Cases in the United States
3 District Courts (Habeas Rules) are appropriately applied to
4 proceedings undertaken pursuant to 28 U.S.C. § 2241. Habeas Rule
5 1(b). Habeas Rule 4 requires the Court to make a preliminary
6 review of each petition for writ of habeas corpus. The Court
7 must summarily dismiss a petition "[i]f it plainly appears from
8 the petition and any attached exhibits that the petitioner is not
9 entitled to relief in the district court...." Habeas Rule 4;
10 O'Bremski v. Maass, 915 F.2d 418, 420 (9th Cir. 1990); see also
11 Hendricks v. Vasquez, 908 F.2d 490 (9th Cir. 1990). Habeas Rule
12 2(c) requires that a petition 1) specify all grounds of relief
13 available to the Petitioner; 2) state the facts supporting each
14 ground; and 3) state the relief requested. Notice pleading is
15 not sufficient; rather, the petition must state facts that point
16 to a real possibility of constitutional error. Rule 4, Advisory
17 Committee Notes, 1976 Adoption; O'Bremski v. Maass, 915 F.2d at
18 420 (quoting Blackledge v. Allison, 431 U.S. 63, 75 n. 7 (1977)).
19 Allegations in a petition that are vague, conclusory, or palpably
20 incredible are subject to summary dismissal. Hendricks v.
21 Vasquez, 908 F.2d 490, 491 (9th Cir. 1990).

22 Further, the Court may dismiss a petition for writ of habeas
23 corpus either on its own motion under Habeas Rule 4, pursuant to
24 the respondent's motion to dismiss, or after an answer to the
25 petition has been filed. Advisory Committee Notes to Habeas Rule
26 8, 1976 Adoption; see, Herbst v. Cook, 260 F.3d 1039, 1042-43
27 (9th Cir. 2001).

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