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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

CHRISTIAN WILLIAMS,

1:10-cv-00143-AWI-DLB (HC)

Petitioner,

ORDER VACATING FINDINGS AND  
RECOMMENDATION ISSUED MARCH 3,  
2010, GRANTING PETITIONER’S MOTION  
TO AMEND PETITION, AND DIRECTING  
PETITIONER TO SUBMIT AMENDED  
PETITION WITHIN THIRTY DAYS FROM  
DATE OF SERVICE OF THIS ORDER

v.

HECTOR A. RIOS,

Respondent.

/ [Docs. 4, 9]

Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

Petitioner filed the instant petition for writ of habeas corpus on February 3, 2010. On March 3, 2010, the undersigned issued Findings and Recommendations to dismiss the petition as not cognizable under section 2241. (Court Doc. 4.)

On April 14, 2010, Petitioner filed a motion for leave to amend the original petition. (Court Doc. 9.) Petitioner states that on August 7, 2009, he was subjected to disciplinary action resulting in sanctions and criminal prosecution, and his challenge affects the duration of his confinement. Based on Petitioner’s contentions in his motion, the Court will grant Petitioner the opportunity to file an amended petition clarifying his claim(s) for relief.<sup>1</sup> Petitioner is advised

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<sup>1</sup> A petitioner may amend a petition for writ of habeas corpus once “as a matter of course,” and without leave of Court, before a response has been filed under Federal Rule of Civil Procedure 15(a), as applied to habeas corpus actions pursuant to 28 U.S.C. § 2242 and Rule 11 of the Rules Governing Section 2254 Cases. Calderon v. United States District Court (Thomas), 144 F.3d 618, 620 (9th Cir. 1998); Bonn v. Calderon, 59 F.3d 815, 845 (9<sup>th</sup> Cir. 1995).

1 that pursuant to Local Rule 220, the amended petition must be complete in itself without  
2 reference to the prior petition.

3 Accordingly, it is HEREBY ORDERED that:

- 4 1. The Findings and Recommendation issued March 3, 2010, is VACATED;
- 5 2. Petitioner's motion for leave to amend is GRANTED;
- 6 3. The Clerk of Court is directed to send Petitioner a blank section 2241 petition;  
7 and
- 8 4. Petitioner shall file an amended petition within thirty (30) days from the date of  
9 service of this order.

10  
11 IT IS SO ORDERED.

12 **Dated: April 23, 2010**

**/s/ Dennis L. Beck**  
**UNITED STATES MAGISTRATE JUDGE**