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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

A.D. WEBB,)	1:11-cv-00331-BAM-HC
)	
Petitioner,)	ORDER REQUIRING PETITIONER TO
)	SUBMIT SIGNED DECLARATION NO
v.)	LATER THAN TWENTY (20) DAYS AFTER
)	THE DATE OF SERVICE OF THIS ORDER
)	
RANDY GROUNDS, Warden,)	
)	
Respondent.)	
)	
)	

Petitioner is a state prisoner proceeding pro se and in forma pauperis with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(c)(1), Petitioner has 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 consent in a signed writing filed by Petitioner on March 18, 2011 (doc. 5). Pending before the Court is the first amended petition (FAP), which was filed on August 9, 2011.

Upon a close examination of the first amended petition submitted to the Court, the Court has discovered that the petition does not contain a signature. Local Rule 131 requires a

1 document submitted to the Court for filing to include an original
2 signature. In addition, Rule 2 of the Rules Governing Section
3 2254 Cases in the United States District Courts (Habeas Rules)
4 requires a petition for writ of habeas corpus to be signed.

5 The absence of a signature results in the petition not being
6 verified, or stated to be true by the maker under penalty of
7 perjury. However, a verification is required by 28 U.S.C.

8 § 2242, which provides in pertinent part:

9 Application for a writ of habeas corpus shall
10 be in writing signed and verified by the person
11 for whose relief it is intended or by someone
acting in his behalf.

12 Likewise, Rule 2 of the Rules Governing Section 2254 Cases
13 in the United States District Courts (Habeas Rules) expressly
14 requires that the petition "be signed under penalty of perjury by
15 the petitioner or by a person authorized to sign it for the
16 petitioner under 28 U.S.C. § 2242." Habeas Rule 2(c)(5).

17 Title 28 U.S.C. § 1746 requires that a declaration be
18 subscribed as true under penalty of perjury, and be executed
19 substantially in the statutory form, which in turn requires a
20 declaration "under penalty of perjury that the foregoing is true
21 and correct." 28 U.S.C. § 1746.

22 If a petition is insufficient, the rules direct the Clerk to
23 file the petition, and the Court may then require the petitioner
24 to submit a corrected petition that conforms to Rule 2(c).
25 Habeas Rule 3(b); Habeas Rule 2, Advisory Committee Comment, 2004
26 Amendments.

27 In light of the difficulty in having Petitioner submit a new
28 habeas corpus petition, Petitioner is ORDERED to submit a

1 document in which he 1) states that he submitted the instant
2 first amended petition to the Court and 2) verifies the truth of
3 the matters alleged in the first amended petition pursuant to 28
4 U.S.C. § 1746. Further, Petitioner is ORDERED to sign the
5 document under penalty of perjury. The document should contain
6 an original signature. Petitioner is GRANTED twenty (20) days
7 from the date of service of this order to comply with the Court's
8 directive.

9 Petitioner is forewarned that failure to comply with a Court
10 order will result in dismissal of the petition pursuant to Local
11 Rule 110.

12 IT IS SO ORDERED.

13 **Dated: November 17, 2011**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

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