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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID J. VALENCIA, JR.,)	1:11-cv-01066-AWI-SKO-HC
)	
Petitioner,)	ORDER STRIKING PETITIONER'S
)	NOTICES (DOCS. 30, 34)
)	
v.)	
)	
DIRECTOR OF CORRECTIONS AND)	
REHABILITATION,)	
)	
Respondent.)	
)	
)	

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 has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rules 302 and 303.

The Court has previously directed Respondent to file a response to the first amended petition (FAP), which was filed on June 14, 2012. Pending before the Court are two documents concerning notice or judicial notice filed by Petitioner on June 28, 2012, and July 13, 2012, respectively. (Docs. 30, 34.)

In the notices, which were filed after the FAP was filed, Petitioner refers to claims he has made in the FAP. The FAP is

1 before the Court because it was filed and docketed in this
2 action. Although the Court is authorized to take judicial notice
3 of various facts by the pertinent rules of court, there is no
4 need for the Court to take judicial notice of matters that are
5 set forth in the Petitioner's FAP.

6 Further, if Petitioner is attempting to amend the terms of
7 the FAP, Petitioner is informed that an amended petition must be
8 set forth in a separate document. An amendment of the petition
9 cannot be accomplished by means of judicial notice.

10 To the extent that Petitioner is attempting to set forth
11 legal argument in these notices, Petitioner will have an
12 opportunity to set forth legal arguments in response to whatever
13 document Respondent files in response to the FAP.

14 Fed. R. Civ. P. 12(f) provides as follows:

15 The Court may strike from a pleading an insufficient
16 defense or any redundant, immaterial, impertinent,
or scandalous matter. The court may act:

17 1) on its own; or

18 2) on motion made by a party either before
19 responding to the pleading or, if a response
20 is not allowed, within 21 days after being
served with the pleading.

21 A court may strike a document that does not conform to the formal
22 requirements of the pertinent rules of court. Transamerican
23 Corp. v. National Union Fire Ins. Co. of Pittsburgh, Pa., 143
24 F.R.D. 189, 191 (N.D. Ill. 1992). The authorized pleadings in a
25 habeas corpus proceeding are the petition, the answer or any
26 authorized motion filed in response to the petition, and any
27 reply thereto. Rules 1-5 of the Rules Governing Section 2254
28 Cases in the United States District Courts (Habeas Rules).

1 Here, the Court is awaiting the Respondent's response to the
2 petition. Petitioner has not sought, and the Court has not
3 granted, permission to amend the petition or to submit additional
4 documents in support of the petition.

5 Accordingly, it is ORDERED that Petitioner's notices (docs.
6 30, 34) be STRICKEN from the docket as inappropriately filed.

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11 IT IS SO ORDERED.

12 **Dated: July 16, 2012**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE