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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ERIC VALENTINE,)	Case No.: 1:13-cv-00394-JLT
)	
Petitioner,)	ORDER GRANTING PETITIONER’S MOTION
)	TO SUPPLEMENT PETITION
v.)	
)	
WARDEN COPENHAVER,)	(Doc. 8)
)	
Respondent.)	
)	

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

PROCEDURAL HISTORY

The instant petition was filed on March 18, 2013. (Doc. 1). On March 26, 2013, the Court ordered Respondent to file a response to the petition within sixty days. (Doc. 5). On April 24, 2013, Petitioner filed the instant motion for leave to supplement his petition with what is alleged to be an excerpt of a transcript of the hearing at which restitution was ordered in Petitioner’s case. (Doc. 8). Petitioner also makes a brief legal argument based on the information contained in the purported transcript.

DISCUSSION

A petitioner may amend a petition for writ of habeas corpus once “as a matter of course,” and

1 without leave of Court, before a response has been filed under Federal Rule of Civil Procedure 15(a),
2 as applied to habeas corpus actions pursuant to 28 U.S.C. § 2242 and Rule 11 of the Rules Governing
3 Section 2254 Cases. Calderon v. United States District Court (Thomas), 144 F.3d 618, 620 (9th Cir.
4 1998); Bonn v. Calderon, 59 F.3d 815, 845 (9th Cir. 1995). Leave of Court is required for all other
5 amendments. Rule Civ. P. 15(a). Here, Respondent has not filed a response. Thus, leave of Court is
6 not required for any amendment to the petition.

7 The Court construes Petitioner's motion, however, as a motion to supplement the original
8 petition, rather than as a motion for leave to file a new amended petition.

9 **ORDER**

10 GOOD CAUSE having been show, the Court HEREBY ORDERS that Petitioner's motion to
11 supplement the petition (Doc. 8), is **GRANTED**. The original petition is deemed supplemented by the
12 information and arguments contained in the instant motion.

13
14
15 IT IS SO ORDERED.

16 Dated: May 3, 2013

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE