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

RAY GUTIERREZ, JR.,	)	Case No.: 1:14-cv-01753-AWI-JLT
	)	
Petitioner,	)	ORDER GRANTING PETITIONER’S MOTION
	)	TO AMEND PETITION FOR WRIT OF HABEAS
v.	)	CORPUS (Doc. 14)
	)	
R. GROVES,	)	
	)	
Respondent.	)	
	)	
	)	

Petitioner notified the Court that the claims raised in his petition had recently been exhausted via state habeas corpus. (Doc. 10). Thus, the Court ordered Respondent to file a response to those four claims. (Doc. 11). On May 4, 2015, Petitioner filed the instant motion for leave to file amend the petition with seven claims exhausted by Petitioner in his direct state court appeal. (Doc. 14).

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). Leave of Court is required for all other amendments. Rule Civ. P. 15(a).

Here, Respondent has not filed a response. Thus, leave of Court is not required for any amendment to the petition. Accordingly, the Court will grant Petitioner’s motion to amend the

1 petition to include the seven claims exhausted in his petition for review. In the interest of judicial  
2 economy, the Court will not require Petitioner to file an amended petition, which would require the  
3 Court to withdraw the present briefing schedule and issue a new briefing schedule; rather, the Court  
4 will simply deem the seven issues contained in the petition for review to be included in the original  
5 petition along with the four claims already contained in that petition.<sup>1</sup>

6 **ORDER**

7 Accordingly, the Court **ORDERS**:

8 1. Petitioner's motion to amend the petition (Doc. 14), is GRANTED. The petition is  
9 deemed to include the seven claims presented to the California Supreme Court in Petitioner's petition  
10 for review on direct appeal.

11  
12 IT IS SO ORDERED.

13 Dated: May 20, 2015

14 /s/ Jennifer L. Thurston  
15 UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Given the expansion of the petition to eleven issues, Respondent may seek an extension of time to respond, should that be needed.