

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERIC WATKINS,
Petitioner,
v.
W.L. MUNIZ, Warden,
Respondent.

No. 1:16-cv-00749-AWI-SKO HC
**ORDER GRANTING RESPONDENT'S
MOTION FOR A MORE DEFINITE
STATEMENT AND GRANTING
PETITIONER 90 DAYS TO
AMEND THE PETITION**
(Doc. 11)

Petitioner Eric Watkins is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On July 18, 2016, Respondent W.L. Muniz, Warden of Salinas Valley State Prison, moved to dismiss the petition, contending that the allegations were too vague and too conclusory to state a claim or establish standing. In the alternative, Respondent moved for a more definite statement, claiming that the petition was too vague and ambiguous reasonably to allow Respondent to prepare a response. Petitioner subsequently moved for appointment of counsel, alleging that his developmental disability precludes his reading, writing and understanding legal materials. By separate order, the Court has appointed the Federal Defender to serve as counsel to Petitioner.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The Court finds merit in Respondent’s allegation that the petition for writ of habeas corpus (Doc. 1) is substantially incomplete, vague, and reflects multiple errors. In ordering Respondent to respond to the petition, however, the Court found that Petitioner’s claim that he had served his full sentence, but had not been released, to allege a cognizable claim.

In light of the Court’s appointment of counsel for Petition and in the interest of justice, the Court DENIES Respondent’s motion to dismiss and GRANTS Respondent’s alternative motion for a more definite statement. Petitioner is hereby ORDERED to file, within 90 days of this order, an amended petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

IT IS SO ORDERED.

Dated: October 6, 2016

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE