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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HARMEET SINGH,

Petitioner,

No. CIV S-06-2442 MCE DAD P

vs.

D.K. SISTO, Warden,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, has filed a petition for writ of habeas corpus and “Modification of Sentence and Restitution, Coram Nobis and Corum De Novo Review.” The pleading has been submitted on a California state court form. Petitioner has neither paid the \$5.00 filing fee required in a federal habeas case nor filed an application to proceed in forma pauperis in such a case. See 28 U.S.C. §§ 1914(a) and 1915(a).

If petitioner has exhausted state court remedies with regard to the Sacramento County criminal conviction for which he was sentenced on January 14, 2000, he may file a federal petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitions for modification of sentence and for writs other than writs of habeas corpus are state court remedies not available in the federal district courts.

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1 A petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 must be filed on
2 a proper form. Rule 2, Fed. R. Governing § 2254 Cases in the United States District Courts.
3 State court forms do not include all of the information that must be provided in a federal habeas
4 petition. Accordingly, petitioner's habeas petition will be dismissed with leave to file an
5 amended petition on the form provided with this order.

6 Petitioner must complete all parts of the federal habeas petition form, including
7 the facts concerning his exhaustion of state court remedies. Petitioner is cautioned that this
8 action will be dismissed if the facts alleged on the form reveal that petitioner has not exhausted
9 available state court remedies. Every ground for relief and the supporting facts with respect to
10 the claim must be stated on the form, except that grounds for relief in excess of the number
11 included on the form may be stated on continuation pages that follow precisely the same format
12 as the form. Each ground for relief must identify a federal constitutional violation, and the
13 supporting facts must demonstrate how that federal constitutional right was violated. Copies of
14 state habeas petitions and evidentiary materials should not be attached to the form.

15 In accordance with the above, IT IS HEREBY ORDERED that:

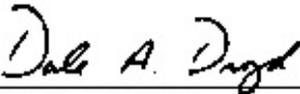
16 1. Petitioner is granted thirty days from the date of this order to submit the \$5.00
17 filing fee or a properly completed application to proceed in forma pauperis on the form provided
18 with this order; petitioner's failure to comply with this order or request an extension of time to do
19 so will result in a recommendation that this action be dismissed without prejudice;

20 2. Petitioner's habeas petition is dismissed with leave to amend;

21 3. Petitioner is granted thirty days from the date of this order in which to file an
22 amended petition on the form provided with this order; the amended petition must bear the case
23 number assigned to this action and must be labeled "Amended Petition" at the top of the form;
24 the form must be properly completed as set forth in the text of this order; petitioner's failure to
25 comply with this order or request an extension of time to do so will result in a recommendation
26 that this action be dismissed without prejudice.

1 4. The Clerk of the Court is directed to send petitioner a form petition for writ of
2 habeas corpus pursuant to 28 U.S.C. § 2254, along with the appropriate in forma pauperis
3 application form and instructions.

4 DATED: November 8, 2006.

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7 _____
8 DALE A. DROZD
9 UNITED STATES MAGISTRATE JUDGE

8 DAD:13:mp
9 sing2442.101ampet

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