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

TIMOTHY GRAFF,

Plaintiff,

No. CIV S-07-0318 MCE CMK P

vs.

SOLANO COUNTY SHERIFF'S DEPARTMENT,

Defendant.

ORDER

_____ /

Plaintiff is a state prisoner proceeding without counsel in this action. He has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. After reading plaintiff's complaint, it is unclear what type of action he seeks to file. In his statement of claim, he states that his "public defender has not filed any writs of habeas corpus as requested..." In the section of the complaint titled relief, plaintiff states that he "would like to have charges dismissed under habeas corpus." Attached to the complaint are two handwritten pages which detail alleged civil rights violations (overflowing toilets, being forced to sleep on the floor, denial of access to legal materials).

In light of the contradictory statements in the filed complaint, the court is unsure whether plaintiff seeks relief pursuant to civil rights statutes or habeas corpus. The court will grant plaintiff thirty days to submit a second filing which clarifies what type of relief he seeks.

1 If plaintiff fails to submit a second filing, the court will assume that he seeks habeas relief
2 pursuant to 28 U.S.C. § 2254.

3 IT IS ORDERED that:

4 1. Plaintiff is granted thirty days to submit an amended filing which clarifies
5 whether he seeks relief for a civil rights violation pursuant to 42 U.S.C. § 1983 or relief for
6 unlawful detention pursuant to 28 U.S.C. § 2254.

7 2. The Clerk of the Court is directed to send plaintiff a copy of this district form
8 for filing habeas petitions.

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10 DATED: February 27, 2007.

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13 **CRAIG M. KELLISON**
14 UNITED STATES MAGISTRATE JUDGE
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