

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

SCOTT E. POMBARIO,

Petitioner,

No. CIV S-09-2577 WBS KJM F

VS.

S.M. SALINAS,

Respondent.

ORDER

On September 15, 2009, the Clerk of the Court opened this case after petitioner filed a document that appeared to be an application for writ of habeas corpus and an application to proceed in forma pauperis. Since then, petitioner has filed twenty-six other documents including additional pleadings, motions, declarations and correspondence. The record is so confusing that the court cannot tell what relief petitioner seeks, or whether petitioner is still in custody.

Good cause appearing, the court will order the Clerk of the Court to send petitioner the court's form applications for a writ of habeas corpus and for a civil rights action by a state prisoner. If petitioner wishes to challenge the fact that he is in custody or the length of his sentence, he should complete the habeas application and return it to the court. If instead petitioner wishes to challenge conditions of confinement in a penal institution he should file a

1 civil rights complaint. In either event, the appropriate form must be filled out completely and
2 accurately. Petitioner will be charged the filing fee for the type of action he proceeds on.
3 Petitioner shall not file any further frivolous motions and shall not file any other pleadings in this
4 action without court permission in advance.

5 Failure to comply with any aspect of this order may result in a recommendation
6 that this action be dismissed.

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

8 1. All pleadings filed by petitioner in this action are dismissed.

9 2. All motions filed by petitioner are denied.

10 3. The Clerk of the Court is directed to send petitioner the court's forms for
11 application for writ of habeas corpus under 28 U.S.C. § 2254 and civil rights complaint.

12 4. Petitioner is granted thirty days within which to file an application for writ of
13 habeas corpus or a civil rights complaint on the appropriate form provided by the Clerk. The
14 application must be titled "Second Amended Petition" or "Second Amended Complaint."

15 5. Petitioner shall not file any further frivolous motions and, unless or until the
16 court orders service of any amended pleading, shall not file any other pleadings in this action
17 without court permission in advance.

18 DATED: June 9, 2010.



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20 U.S. MAGISTRATE JUDGE
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