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

SCOTT E. POMBRIO,

Petitioner,

No. CIV-S-09-2577 WBS KJM P

vs.

S.M. SALINAS,

Respondent.

ORDER

On August 6, 2010, the court recommended that this action be dismissed for petitioner’s failure to comply with the court’s June 10, 2010 order. Petitioner has now complied with the June 10, 2010 order by filing an application for writ of habeas corpus under 28 U.S.C. § 2254. Therefore, the findings and recommendations issued August 10, 2010 will be vacated.

Petitioner requests leave to proceed in forma pauperis. Examination of the in forma pauperis application reveals that petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

The court has reviewed petitioner’s habeas application pursuant to Rule 4 of the Rules Governing Section 2254 Cases. The court notes that petitioner challenges two matters: 1) a conviction arising in Alameda County and resulting in petitioner’s being sentenced to the Santa

1 Rita Jail in Dublin, California; and 2) the result of a prison disciplinary proceeding that occurred
2 at Deuel Vocational Institution in Tracy, California. Petitioner cannot proceed in this action
3 with claims concerning both a conviction and the decision of a prison disciplinary committee.
4 See Rule 2(e), Rules Governing Section 2254 Cases (“A petitioner who seeks relief from
5 judgments of more than one state court must file a separate petition covering the judgment or
6 judgments of each court.”). Accordingly, petitioner’s application for writ of habeas corpus will
7 be dismissed with leave to amend. Again, petitioner is warned, as he was in the court’s June 10,
8 2010 order, that petitioner’s habeas petition must be filled out completely and accurately.
9 Failure to comply with this order will result in a recommendation that this action be dismissed.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The findings and recommendations issued August 6, 2010 are vacated.
- 12 2. Petitioner is granted leave to proceed in forma pauperis.
- 13 3. Petitioner’s August 23, 2010 application for writ of habeas corpus is
14 dismissed.
- 15 4. Petitioner is granted leave to file an amended application within thirty days.
16 Any amended application shall be submitted on the form provided by the Clerk of the Court and
17 shall comply with the terms addressed above. Failure to comply with this order will result in a
18 recommendation that this action be dismissed.
- 19 5. The Clerk of the Court is directed to send petitioner **two copies** of the court’s
20 form application for writ of habeas corpus under 28 U.S.C. § 2254.

21 DATED: November 19, 2010.

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23 _____
24 U.S. MAGISTRATE JUDGE

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