

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

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

DANIEL LUCAS,

Petitioner,

No. CIV S-10-0136 DAD P

vs.

S.M. SALINAS, Warden,

Respondent.

ORDER

\_\_\_\_\_/

Petitioner, a state prisoner proceeding pro se, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has paid the filing fee.<sup>1</sup>

Under Rule 2 of the Rules Governing Section 2254 Cases, a petition for writ of habeas corpus must “be signed under penalty of perjury by the petitioner or by a person authorized to sign it for the petitioner . . . .” Petitioner has failed to sign his habeas petition. Accordingly, the instant petition must be dismissed with leave to amend.

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

1. Petitioner's January 19, 2010 motion to proceed in forma pauperis (Doc. No. 3) is denied as unnecessary;

\_\_\_\_\_  
<sup>1</sup> Petitioner has also filed a motion to proceed in forma pauperis. Since petitioner has paid the filing fee, the court will deny petitioner’s motion as unnecessary.

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

2. Petitioner's application for writ of habeas corpus is dismissed with leave to file an amended petition within thirty days from the date of this order;

3. Any amended petition must be filed on the form employed by this court, must be signed, and must state all claims and prayers for relief on the form. It must bear the case number assigned to this action and must bear the title "Amended Petition"; and

4. The Clerk of the Court is directed to send petitioner the form for habeas corpus application.

DATED: January 28, 2010.

  
\_\_\_\_\_  
DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

DAD:9  
luca0136.sign