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

GEORGE E. CROSS,

No. CIV S-10-0521-CMK-P

Petitioner,

vs.

ORDER

PEOPLE OF CALIFORNIA,

Respondent.

_____ /

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 19, 2010, the court dismissed petitioner’s original petition with leave to amend because petitioner had not named the proper respondent. Petitioner was directed to file an amended petition within 30 days. As of April 26, 2010, petitioner had not complied and the court issued an order directing petitioner to show cause why this action should not be dismissed. In a return filed on May 10, 2010, petitioner stated that he filed a request for leave to amend shortly after the March 2010 order was issued. On May 14, 2010, the court issued an order discharging the order to show cause and providing petitioner an additional opportunity to comply. The court stated:

. . . A review of the docket does indeed reflect that, on March 23,

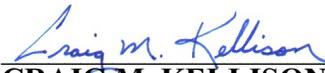
1 2010, petitioner filed a document entitled "Request Leave to Amend" to
2 name Sheriff Sandra Hutchins as the proper respondent to this action.
3 This request, however, does not constitute compliance with the court's
4 March 19, 2010, order which directed petitioner to file an amended
5 petition, not to request leave to amend. Leave of court to amend is not
6 required because the court has specifically directed petitioner to file an
7 amended petition. The court will provide petitioner an additional
8 opportunity to submit an amended petition which sets forth his claims and
9 names the correct respondent. . . .

10 Apparently in response to this latest order, petitioner filed a one-page document entitled
11 "Amended Petition." This document, however, is not a complete petition. Petitioner was
12 directed to file an amended petition which: (1) sets forth his claims; and (2) names the correct
13 respondent. To this end, the court forwarded to petitioner the form habeas application used in
14 this court. Instead of filing a complete petition as directed, petitioner has filed a document in
15 which he states: "Pursuant to this court's order to amend the correct respondent, petitioner is now
16 following that order naming the Orange County Sheriff Sandra Hutchins as the respondent who
17 has custody over petitioner."

18 It does not appear that petitioner is unable to comply. To the contrary, it is
19 evident by the numerous miscellaneous filings by petitioner between March 24, 2010, and April
20 1, 2010, that petitioner is quite capable of preparing and filing documents. It thus appears that
21 petitioner is simply unwilling to comply with the court's direction to file a single amended
22 petition setting forth his claims and naming the correct respondent. According, petitioner shall
23 show cause within 30 days of the date of this order why this action should not be dismissed for
24 lack of prosecution and failure to comply with the court's orders. See Local Rule 110.

25 IT IS SO ORDERED.

26 DATED: June 25, 2010



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE