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

DONALD DAVIS,

Petitioner,

No. CIV S-10-1029 KJM DAD P

vs.

JAMES HAVILAND,

Respondent.

ORDER

By order filed February 4, 2011, the respondent's August 16, 2010 motion to dismiss was granted with petitioner be granted leave to file an amended petition for a writ of habeas corpus. The court instructed petitioner that in any amended petition he must clarify the nature of his claims and explain how expungement of his three prison rule violation reports, issued on November 30, 2007, was likely to accelerate his eligibility for parole. Petitioner was also advised to provide in any amended petition the dates of his parole suitability hearings where the prison disciplinary convictions at issue were considered by the Board and any comments that were made by the Board panel at those parole hearings suggesting that the disciplinary convictions impacted their suitability determination. On May 10, 2011, petitioner filed his amended petition. However, therein, petitioner again did not address the impact of the prison rule violation reports on his parole consideration hearings. Therefore, the court will order

1 petitioner to file a response to this order which provides that information which is necessary for
2 the court to consider in determining whether petitioner has stated a cognizable claim for federal
3 habeas relief .

4 Accordingly, IT IS HEREBY ORDERED that within thirty days from the service
5 of this order, petitioner shall file a response addressing the impact of the prison rule violation
6 reports on his parole suitability hearings as was required by the court's February 4, 2011 order.
7 Petitioner's failure to comply with this order will result in a recommendation that this action be
8 dismissed.

9 DATED: July 29, 2011.

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12 _____
13 DALE A. DROZD
14 UNITED STATES MAGISTRATE JUDGE

12 DAD:4
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