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

ANTHONY CAPPS,

Petitioner,

No. 2:10-cv-1929 KJN P

vs.

MIKE MCDONALD, Warden,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner, a state prisoner proceeding without counsel, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis.

Examination of the affidavit reveals petitioner is unable to afford the costs of this action. Accordingly, leave to proceed in forma pauperis is granted. 28 U.S.C. § 1915(a).

Petitioner has failed to specify the grounds for relief in his petition. See Rule 2(c), Rules Governing § 2254 Cases. Rule 2(c) specifically provides:

(c) Form. The petition must:

- (1) specify all the grounds for relief available to the petitioner;
- (2) state the facts supporting each ground;
- (3) state the relief requested;

1 Id. It is not appropriate to ask the court to “review the totality of the record and to render an  
2 opinion” as to any “possible violations in the state appeal process” or in sentencing. (Pet. at 4.)  
3 Petitioner must identify specific constitutional violations he is alleging and set forth facts  
4 supporting his position. Accordingly, the petition will be dismissed and petitioner will be  
5 granted leave to file an amended petition. Petitioner is cautioned that failure to timely file an  
6 amended petition pursuant to this order will result in a recommendation that this action be  
7 dismissed.

8 Therefore, IT IS HEREBY ORDERED that:

9 1. Petitioner is granted leave to proceed in forma pauperis (Dkt. Nos. 2 & 4);  
10 2. Petitioner’s application for writ of habeas corpus is dismissed with leave to  
11 amend;

12 3. Within thirty days from the date of this order, petitioner shall complete the  
13 attached Notice of Amendment and submit the following documents to the court:

14 a. The completed Notice of Amendment; and

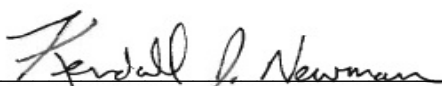
15 b. An original and one copy of the Amended Petition.

16 4. Any amended petition must bear the case number assigned to this action and  
17 the title “Amended Petition”;

18 5. Petitioner is cautioned that failure to file an amended petition pursuant to this  
19 order may result in the dismissal of this action; and

20 6. The Clerk of the Court is directed to send petitioner the court’s form for  
21 application for writ of habeas corpus.

22 DATED: August 4, 2010

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25 KENDALL J. NEWMAN  
26 UNITED STATES MAGISTRATE JUDGE

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

ANTHONY CAPPS,

Petitioner,

No. 2:10-cv-1929 KJN P

vs.

MIKE MCDONALD, Warden,

NOTICE OF AMENDMENT

Respondent.

\_\_\_\_\_ /

Petitioner hereby submits the following document in compliance with the court's  
order filed \_\_\_\_\_:

\_\_\_\_\_ Amended Petition

DATED:

\_\_\_\_\_  
Petitioner