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

10 ELIGIO CERVANTES,

11 Petitioner,

No. CIV S-10-3107 EFB (TEMP) P

12 vs.

13 STATE OF CALIFORNIA,

14 Respondent.

ORDER

15 _____/
16 Petitioner is a California civil detainee proceeding pro se with a petition for writ of
17 habeas corpus under 28 U.S.C. § 2254. He has paid the filing fee.

18 Petitioner challenges a Lassen County conviction for child molestation and the fact the he
19 has been civilly committed under California's Sexually Violent Predators Act (Cal. Welf. & Inst.
20 Code §§ 6000 *et seq.*). However, Rule 2(e) of the Rules Governing Section 2254 Cases permits
21 habeas petitioners to challenge only one judgment of one state court per habeas petition.
22 Therefore, petitioner's habeas petition will be dismissed. Petitioner will be granted leave to
23 submit an amended petition in which petitioner challenges his Lassen County conviction for
24 child molestation or his commitment under California's Sexually Violent Predators Act, but not
25 both. Failure to file an amended petition which complies with this order will result in a
26 recommendation that this action be dismissed.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. Petitioner's application for writ of habeas corpus is dismissed;

3 2. The Clerk of the Court is directed to send petitioner the court's form-application for
4 writ of habeas corpus by state prisoners; and

5 3. Petitioner is granted thirty days within which to file an amended petition for writ of
6 habeas corpus on the form provided by the Clerk of the Court. In the amended petition petitioner
7 may challenge his Lassen County conviction for child molestation or his commitment under
8 California's Sexually Violent Predators Act, but not both. Failure to file an amended petition
9 which complies with this order will result in a recommendation that this action be dismissed.

10 DATED: February 7, 2011.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
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