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

10 MARK CHIN,

11 Petitioner,

No. CIV S-10-3258 GEB DAD P

12 vs.

13 RICK HILL, Warden,

14 Respondent.

ORDER

15 _____/
16 Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of
17 habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has paid the filing fee.

18 The court has conducted a cursory review of the petition in this action and
19 determined that it must be dismissed with leave to amend. If petitioner elects to proceed with
20 this action by filing an amended petition, he must clarify why he believes the prison disciplinary
21 conviction for possession of an inmate-manufactured weapon, which he seeks to challenge, was
22 improper. In his original petition, petitioner claims that he was denied due process because there
23 was insufficient evidence offered to find him guilty and because he was denied the right to
24 present witnesses and documentary evidence at his disciplinary hearing. However, petitioner has
25 provided no factual allegations in support of his claims. In any amended petition, petitioner
26 should allege facts clarifying what evidence was relied upon to find him guilty of the disciplinary

1 charge and why he believes the evidence presented at his disciplinary hearing was insufficient.
2 He should also explain what witnesses and evidence he sought to introduce at the hearing, and
3 why prison officials' alleged refusal to allow him to do so resulted in an unfair hearing.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Petitioner's application for writ of habeas corpus is dismissed with leave to
6 amend within thirty days from the date of this order;

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

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

12 DATED: March 8, 2011.

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16 DALE A. DROZD
17 UNITED STATES MAGISTRATE JUDGE
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