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

WILLIE D. WHITE,

Petitioner,

No. 2:10-cv-03379-MCE KJN P

vs.

BRUNO STOLC, Warden,  
Red Rock Correctional Center,  
MATTHEW CATE, Secretary,  
California Department of  
Corrections and Rehabilitation,<sup>1</sup>

Respondents.

ORDER

\_\_\_\_\_ /

Petitioner is a California state prisoner, currently incarcerated in Arizona, proceeding without counsel with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges his 2003 conviction in San Joaquin County Superior Court. On January 4, 2011, this court granted petitioner’s application to proceed in forma pauperis, and directed respondents to file a responsive pleading within sixty days.

Petitioner has now filed an “Application for Bail Pending Determination of Petition for Writ of Habeas Corpus,” with a supporting declaration setting forth petitioner’s


\_\_\_\_\_ <sup>1</sup> Although petitioner names Cate as “Director of Corrections,” the court hereby substitutes his proper title.

1 reasons that he believes he would be successful if his request was granted, including that  
2 petitioner has already served eight years of an eleven-year determinate sentence. (Dkt. No. 11.)

3           This court is not the proper forum to consider petitioner’s request. Petitioner was  
4 convicted in state court for violations of state law. Thus, it appears that petitioner should instead  
5 seek a parole (rather than a bail) hearing through the California Department of Corrections and  
6 Rehabilitation. This court is without jurisdiction to consider petitioner’s request for provisional  
7 release.

8           Accordingly, IT IS HEREBY ORDERED that petitioner’s “Application for Bail  
9 Pending Determination of Petition for Writ of Habeas Corpus” (Dkt. No. 11) is denied.

10 DATED: February 14, 2011

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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