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

ANTHONY R. TURNER,

Petitioner,

No. CIV S-10-3424 DAD (TEMP) P

vs.

G. D. LEWIS,¹ et al.,

Respondents.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with an application to proceed in forma pauperis. Examination of the in forma pauperis application reveals that petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma pauperis will be granted. See 28 U.S.C. § 1915(a).

Under Rule 4 of the Rules Governing § 2254 Cases, the court must conduct a preliminary review of § 2254 habeas petitions. The court has conducted that review with respect to the amended petition filed on February 17, 2011. The amended petition has not been completed on the correct form. Petitioner has submitted his amended petition on the form used

¹ Pursuant to the motion filed by petitioner on January 20, 2011, the court has instructed the Clerk of the Court to change the name of respondent D.G. Lewis to G.D. Lewis.

1 by federal prisoners challenging their sentences under 28 U.S.C. § 2255 in the United States
2 District Court for the Northern District of California.

3 Good cause appearing, the amended petition will be dismissed with leave to file a
4 second amended petition. The second amended petition must be filed on the form to be provided
5 by the Clerk of the Court. The form must be completely accurately and petitioner's responses to
6 the questions on the form must be written legibly. Petitioner's failure to submit a second
7 amended petition which complies with this order within thirty days will result in dismissal.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Petitioner's request to proceed in forma pauperis is granted.
- 10 2. Petitioner's February 17, 2011 amended petition for writ of habeas corpus is
11 dismissed.
- 12 3. The Clerk of the Court is directed to send petitioner this court's form-
13 application for writ of habeas corpus by persons in state custody.
- 14 4. Petitioner is granted thirty days within which to file a second amended petition
15 for writ of habeas corpus on the form to be provided by the Clerk of the Court. The form must
16 be completely accurately and petitioner's responses to the questions on the form must be written
17 legibly. Petitioner's failure to submit a second amended petition which complies with this order
18 within thirty days will result in dismissal.

19 DATED: March 14, 2011.

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22 _____
23 DALE A. DROZD
24 UNITED STATES MAGISTRATE JUDGE

23 DAD:kc
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