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

KEITH SCHULTZ

Petitioner,

No. CIV-S-11-0398 JFM (TEMP) P

vs.

RICK HILL

Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, 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).

“[A] claim for relief in habeas corpus must include reference to a specific federal constitutional guarantee, as well as a statement of the facts which entitle the petitioner to relief.” Gray v. Netherland, 518 U.S. 152, 162-63 (1996). Petitioner has failed to specify the constitutional grounds for relief in his petition, nor does he state facts on which relief might be granted. See Rule 2(c), Rules Governing § 2254 Cases.

The petitioner will be allowed thirty days from the entry of this order in which to file an amended petition that alleges the specific constitutional violations and supporting facts

1 that, if proven, would entitle him to habeas relief. Petitioner is advised that vague or conclusory
2 claims for relief may result in summary dismissal of the amended petition. See Hendricks v.
3 Vazquez, 908 F.2d 490, 491 (9th Cir.1990); Rule 4, Rules Governing § 2254 Cases. Finally,
4 petitioner is advised that claims alleging constitutional violations unrelated to his conviction in
5 state court – e.g., conditions of confinement or inadequate medical care while in custody – are
6 not appropriate grounds for habeas relief but should be averred in a complaint filed under the
7 Civil Rights Act, 42 U.S.C. § 1983.

8 Therefore, IT IS HEREBY ORDERED that:

- 9 1. Petitioner’s motion to proceed in forma pauperis (docket no. 4) is granted;
- 10 2. Petitioner's application for writ of habeas corpus is dismissed with leave to
11 amend within thirty days from the date of this order;
- 12 3. Any amended petition must bear the case number assigned to this action and
13 the title “Amended Petition”; and
- 14 4. The Clerk of the Court is directed to send petitioner the court's form for
15 application for writ of habeas corpus.

16 DATED: June 28, 2011.

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19 UNITED STATES MAGISTRATE JUDGE

20 hm
21 schu0398.114