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

STEVEN LAWRENCE GARDUNO,

Petitioner,

No. CIV-S-11-0469 KJN (TEMP) P

vs.

MIKE D. MCDONALD,

Respondent.

ORDER

_____ /

Petitioner, a California prisoner proceeding without counsel, has filed a petition for writ of habeas corpus under 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).

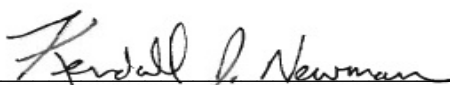
Petitioner challenges a 2009 Sacramento County conviction and sentence as well as a 1995 Sacramento County conviction. However, Rule 2(e) of the Rules Governing Section 2254 Cases permits habeas petitioners to challenge only one judgment of one state court per habeas petition. Therefore, petitioner’s habeas petition will be dismissed. Petitioner will be granted leave to submit an amended petition in which petitioner challenges his 2009 Sacramento

1 County conviction and / or sentence, **or** his 1995 Sacramento County conviction and / or
2 sentence, but not both. Failure to file an amended petition which complies with this order will
3 result in a recommendation that this action be dismissed.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Petitioner's application to proceed in forma pauperis is granted;
- 6 2. Petitioner's application for writ of habeas corpus is dismissed;
- 7 3. The Clerk of the Court is directed to send petitioner the court's form-
8 application for writ of habeas corpus by state prisoners; and
- 9 4. Petitioner is granted thirty days within which to file an amended petition for
10 writ of habeas corpus on the form provided by the Clerk of the Court. In the amended petition,
11 petitioner may challenge his 2009 Sacramento County conviction and / or sentence **or** his 1995
12 Sacramento County conviction and / or sentence, but not both. Failure to file an amended
13 petition which complies with this order will result in a recommendation that this action be
14 dismissed.

15 DATED: March 8, 2011

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18 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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