

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

DONALD HATTON,

Petitioner,

No. CIV S-11-0687 GGH P

VS.

NEVADA COUNTY MENTAL HEALTH AND CONSERVATOR,

Respondent.

ORDER

Although one of the claims petitioner makes is that he has been “murdered,” he remains alive to contest by way of federal habeas corpus what are apparently involuntary commitment proceedings. He lists his present Conservator and Nevada County Mental Health (“Conservator”) as his “custodian” for habeas corpus purposes. The Conservator is represented by Nevada County Counsel.

The Conservator has moved to dismiss the habeas petition on several grounds and has sought to file under seal voluminous records.¹ From review of the papers filed by the

¹ The undersigned appreciates the thoroughness of the exhibits submitted by the County Counsel.

Conservator, it appears that petitioner may be in the midst of state court proceedings.

The undersigned has some doubts about the competency of petitioner to proceed in this action. Rather than ask petitioner to respond at this time, the court directs this order to his apparent state counsel, Office of the Public Defender, Keri Klein, 224 Main St., Nevada City CA 95959. The undersigned requests Ms. Klein to respond within fourteen days or sooner, if possible, concerning her views on the status of the state proceedings and whether it is advisable for this court to stay/dismiss this action pending completion of state proceedings.

Pending the response, filing of the documents under seal, or not, will be deferred. The exhibits shall remain in the meantime in the chambers of the undersigned. The Clerk of Court is directed to serve a copy of this order on Ms. Klein.

DATED: 04/22/11

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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