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

ROBERT D. FRANKLIN,

Petitioner,

No. 2:11-cv-2498 MCE CKD P

vs.

KATHLEEN L. DICKINSON,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se and in forma pauperis, has filed an amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner alleges constitutional violations in connection with (1) his 2004 conviction and sentence and (2) his 1987 parole revocation hearing. (Dkt. No. 16.)

Petitioner has improperly challenged the judgment of two separate tribunals in one federal habeas petition. See Fed. Rules Governing Section 2254 Cases, Rule 2(e) (“A petitioner who seeks relief from judgment of more than one state court must file a separate petition covering the judgment or judgment of each court.”); Bianchi v. Blodgett, 925 F.2d 305, 308-11 (9th Cir. 1991); see also Colbert v. Schulteis, 2011 WL 306881 at *5 (E.D. Cal. Jan. 27, 2011) (“The presence in this single action of claims concerning two distinct disciplinary proceedings is inconsistent with the rules governing habeas corpus proceedings.”)

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As a result, the court will dismiss the amended petition without prejudice. Petitioner will be granted 30 days to file a second amended petition that complies with the governing Rules.

Accordingly, it is hereby ORDERED THAT:

1. The first amended petition for writ of habeas corpus (Dkt. No. 16) is dismissed without prejudice;

2. Petitioner is granted thirty days from service of this order to file an amended petition, titled "Second Amended Petition." Failure to file an amended petition will result in a recommendation that this action be dismissed.

Dated: July 20, 2012


CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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