

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

HELEN SOPHIA PURDY,

Petitioner,

No. 2:12-cv-01830 JAM DAD P

vs.

BUTTE COUNTY SUPERIOR COURT,  
et al.,

Respondents.

ORDER

\_\_\_\_\_/

Petitioner, a former inmate, apparently seeks to challenge a judgment of conviction entered against her in the Butte County Superior Court following her guilty plea pursuant to a plea agreement. Petitioner has paid the filing fee for a federal habeas action. However, although petitioner has filed hundred of pages of documents concerning her conviction, she has not filed a federal petition for a writ of habeas petition pursuant to 42 U.S.C. § 2254. Therefore, the court will order petitioner to file her federal petition using the form provided by the Clerk of the Court.<sup>1</sup> Because of the excessive nature of petitioner’s filings in

\_\_\_\_\_  
<sup>1</sup> The exhaustion of state court remedies is a prerequisite to the granting of a petition for writ of habeas corpus. 28 U.S.C. § 2254(b)(1). A petitioner satisfies the exhaustion requirement by providing the highest state court with a full and fair opportunity to consider all claims before presenting them to the federal court. Picard v. Connor, 404 U.S. 270, 276 (1971); Middleton v. Cupp, 768 F.2d 1083, 1086 (9th Cir. 1985). Accordingly, the court directs petitioner to attach a

1 this action, she will also be prohibited from filing with this court any documents or exhibits other  
2 than the required petition and attachments thereto until further order of this court.

3 In accordance with the above, IT IS HEREBY ORDERED that:

4 1. Petitioner is granted thirty days from the date of service of this order to file a  
5 petition for a writ of habeas corpus that complies with the requirements of the Rules Governing  
6 Section 2254 Cases, the Federal Rules of Civil Procedure, and the Local Rules of Practice; the  
7 petition must bear the docket number assigned this case; petitioner must use the form petition  
8 provided by the Clerk of the Court; petitioner must answer each question in the form petition.  
9 Petitioner shall also attach to the petition, if available, a copy of any petition for review and/or  
10 habeas petition filed with the California Supreme Court on her behalf. Petitioner's failure to  
11 comply with this order will result in a recommendation that this matter be dismissed;

12 2. Petitioner shall not file any other documents or exhibits in this action until  
13 further order of the court; and

14 3. The Clerk of the Court is directed to provide petitioner with a copy of the  
15 court's form for filing a § 2254 petition for writ of habeas corpus.

16 DATED: April 10, 2013.

17  
18   
19 \_\_\_\_\_  
DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

20 DAD:4  
21 purd1830.nopetition

22  
23  
24 \_\_\_\_\_  
25 copy of any petition for review and/or state habeas petition filed on her behalf with the California  
26 Supreme Court so that this court will be able to determine whether petitioner has exhausted her  
claims for federal habeas relief by first presenting them to the state high court.