1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 LEE THAO, No. 2:13-cv-1562-EFB P 12 Petitioner. 13 **ORDER** v. 14 SWARTHOUT, 15 Respondent. 16 17 Petitioner is a state prisoner proceeding without counsel seeking a writ of habeas corpus. 18 See 28 U.S.C. § 2254. Petitioner seeks leave to proceed in forma pauperis. See 28 U.S.C. 19 § 1915(a). Examination of the in forma pauperis affidavit reveals that petitioner is unable to 20 afford the costs of suit. Therefore, the request is granted. 21 To proceed further, however, petitioner must file an amended petition. The court requires 22 that all petitions for writs of habeas corpus be filed on the proper form, which is provided by this 23 court. L.R. 190(b); see also Rule 2(c)-(d), Fed. R. Governing § 2254 Cases. Thus petitioner must 24 re-file his petition using the proper form. Petitioner must properly complete the court's 25 application form and respond to the questions asked therein. Although petitioner may submit a 26 separate memorandum to support his petition for relief, the court's application form must contain 27 all relevant claims, and must provide the court with all necessary information. See L.R. 190(e); 28 Rule 2(c), Fed. R. Governing § 2254 Cases. 1

Accordingly, it is ORDERED that: 1. The petition (ECF No. 1) is dismissed with leave to file an amended petition within 30 days of the date of this order; 2. Any amended petition must be filed on the form employed by this court and must state all claims and prayers for relief on the form. It must bear the case number assigned to this action and must bear the title "Amended Petition"; 3. Petitioner is cautioned that failure to file an amended petition pursuant to this order may result in the dismissal of this action; 4. The Clerk is directed to send petitioner the court's form for application for writ of habeas corpus; and 5. Petitioner's application to proceed in forma pauperis (ECF No. 2) is granted. DATED: October 8, 2013. EDMUND F. BRENNAN UNITED STATES MAGISTRATE JUDGE