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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD JOSEPH PEREIRA,  
Petitioner,  
v.  
GARY SWARTHOUT,  
Respondent.

No. 2:14-cv-0530 KJM AC P

ORDER

Petitioner is a state prisoner proceeding without counsel on an application for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On June 4, 2014, the court struck Grounds 1 through 3 and 5 through 9 from the petition and granted petitioner’s request to stay the petition, which now contains only Ground 4. ECF No. 15. The stay was granted and the case administratively closed to allow petitioner to exhaust his unexhausted claims in state court. Id. Petitioner was ordered to notify this court of any ruling from the California Supreme Court exhausting his then unexhausted claims, within thirty days of a ruling from that court. Id. Within that time he was also to request the stay be lifted and file an amended petition. Id. On September 21, 2015, the court received and docketed a request for status that suggested petitioner may have previously attempted to notify the court of the status of his attempts to exhaust his claims in state court. ECF No. 17. Petitioner was directed to file a status report advising the court of the status of his efforts to exhaust his state court remedies and

1 whether he was seeking to lift the stay. ECF No. 18. Petitioner then filed a notice in which he  
2 advised that he had requested the stay be lifted over eight months ago. ECF No. 19.<sup>1</sup> Petitioner's  
3 request to lift the stay was granted and the case re-opened, and petitioner was ordered to notify  
4 the court whether he would be amending the petition to include any of the previously stricken  
5 claims. ECF No. 20.

6 Petitioner has now responded to the order. Petitioner requests that the court consider the  
7 original petition as the amended petition because he no longer has any of his legal paperwork,  
8 including his original petition, to refer to in drafting an amended document. He states an  
9 intention to revive all of his original claims. ECF No. 22. Petitioner's request will be denied.  
10 Instead, the Clerk of the Court will be directed to send petitioner a blank habeas petition form and  
11 the first twenty-seven pages of the original petition. Petitioner may file an amended petition  
12 which must include information regarding the exhaustion of the previously unexhausted claims as  
13 requested on the petition form. Upon filing of an amended petition, the Clerk of the Court will be  
14 directed to attach pages twenty-eight through one hundred sixty-three of the original petition as  
15 exhibits to the amended petition.

16 Accordingly, IT IS HEREBY ORDERED that:

17 1. Petitioner's request to treat his original petition as his amended petition (ECF No. 22)  
18 is denied.

19 2. Petitioner shall have thirty days from the filing of this order to file an amended  
20 petition. The amended petition must include information regarding the exhaustion of the  
21 previously unexhausted claims as requested on the petition form. If petitioner does not file an  
22 amended petition, the case will proceed on Ground 4 of the original petition.

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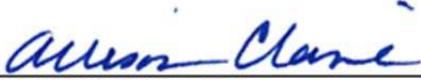
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28 <sup>1</sup> It does not appear that the court received that request.

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3. The Clerk of the Court is directed to send petitioner a copy of the first twenty-seven pages of the original petition (ECF No. 1) and a blank § 2254 petition for writ of habeas corpus form.

DATED: November 16, 2015

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE