

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10

11 JACKIE RAY WOODS,

12 Petitioner,

13 v.

14 CONNIE GIPSON,

15 Respondent.
16

No. 2:14-cv-2103 CKD P

ORDER

17 Petitioner is a state prisoner proceeding pro se pursuant to 28 U.S.C. § 2254. On October
18 10, 2014, the original petition in this action was dismissed with leave to amend. (ECF No. 10.)
19 Before the court for screening is petitioner's first amended petition. (ECF No. 11.) Petitioner has
20 consented to this court's jurisdiction under 28 U.S.C. § 636(c) and Local Rule 302. (ECF No. 7.)

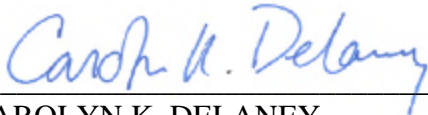
21 Having reviewed the amended petition, the undersigned finds that it fails to cure the
22 defects of the original petition, as set forth in the screening order. Allegations in a petition that
23 are vague, conclusory, or palpably incredible are subject to summary dismissal. Hendricks v.
24 Vasquez, 908 F.2d 490, 491 (9th Cir. 1990). Here, petitioner's allegations of federal
25 constitutional violations are vague and conclusory (ECF No. 11 at 4), and petitioner's attached
26 appellate brief does not clarify these allegations, but asserts entirely different claims under state
27 law. (Id. at 26-51.) As further leave to amend appears futile, the court will summarily dismiss
28 the amended petition without prejudice.

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
27
28

Accordingly, IT IS HEREBY ORDERED that:

1. The petition is summarily dismissed without prejudice; and
2. The court declines to issue a certificate of appealability under 28 U.S.C. § 2253.

Dated: November 21, 2014



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

2 / wood2103.R4