

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JACKIE RAY WOODS,

No. 2:14-cv-2103 CKD P

Petitioner,

ORDER

CONNIE GIPSON,

Respondent.

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

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

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The petition is summarily dismissed without prejudice; and

3 2. The court declines to issue a certificate of appealability under 28 U.S.C. § 2253.

4 Dated: November 21, 2014

Carolyn K. Delaney

5 CAROLYN K. DELANEY
6 UNITED STATES MAGISTRATE JUDGE

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