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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DELANIOUS A. WARD,
Petitioner,
v.
THE PEOPLE,
Respondent.

No. 2: 14-cv-2861 KJN P

ORDER

Petitioner is a state prisoner, proceeding without counsel, with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner consented to the jurisdiction of the undersigned. (ECF No. 3.)

On December 12, 2014, the undersigned ordered petitioner to show cause why this action should not be dismissed on grounds that his claims were not exhausted. (ECF No. 5.) In this order, the undersigned stated that the petition raised three claims: two claims of ineffective assistance of counsel and one claim alleging perjury by witnesses. (Id. at 2.) The December 12, 2014 order stated that petitioner admitted that none of his claims had been raised in state court. (Id.)

In response to the order to show cause, petitioner filed a request to file an amended petition. (ECF No. 9.) In this pleading, petitioner indicates that he meant to raise four claims: two claims of ineffective assistance of counsel and two claims alleging perjury by witnesses.

1 (Id.) Petitioner requests leave to file an amended petition raising all four claims. (Id.)

2 Good cause appearing, petitioner is granted leave to file an amended petition which
3 clearly raises all four of his claims. The amended petition must also clearly indicate which, if
4 any, of the claims have been presented to the California Supreme Court. Following review of the
5 amended petition, the undersigned will issue further orders.


6 Accordingly, IT IS HEREBY ORDERED that:

7 1. The December 12, 2014 order to show cause (ECF No. 5) is discharged;

8 2. Petitioner's motion to amend (ECF No. 9) is granted; petitioner is granted thirty days
9 from the date of this order to file an amended petition; failure to file an amended petition within
10 that time will result in dismissal of this action;

11 3. The Clerk of the Court is directed to send petitioner the form for a habeas corpus
12 petition pursuant to 28 U.S.C. § 2254.

13 Dated: February 4, 2015

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16 KENDALL J. NEWMAN
17 UNITED STATES MAGISTRATE JUDGE

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