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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 RICHARD ORVILLE SCHULTZ,

No. 2:15-cv-796-GEB-EFB P

12 Petitioner,

13 v.

ORDER

14 BRIAN DUFFY,

15 Respondent.
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17 This action was opened when Mr. Schultz, a state prisoner without counsel, filed a 340-
18 page “motion to protect petitioner against tolling until state remedies are exhausted.” ECF No. 1.
19 On April 17, 2015, the court notified Mr. Schultz that he had not properly commenced a habeas
20 action because he had not filed a petition as required by Rule 3 of the Rules Governing § 2254
21 Cases. ECF No. 5. The court granted Mr. Schultz 30 days within which to file a petition. *Id.* The
22 time for acting has passed and Mr. Schultz has not filed a petition or otherwise responded to the
23 court’s order. He has, however, requested “assistance from the court,” indicating that he would
24 like to file either a civil rights action or an application for a writ of habeas corpus. *See* ECF Nos.
25 6, 8, 10.

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1 Accordingly, it is hereby ORDERED that:

- 2 1. The Clerk of the Court is directed to send Mr. Schultz the court's forms for an
3 application for writ of habeas corpus and for a civil rights complaint pursuant to 42
4 U.S.C. § 1983.
- 5 2. Mr. Schultz shall file either a petition for writ of habeas corpus or a civil rights
6 complaint within 30 days of the date of this order.
- 7 3. Failure to comply with this order will result in this case being closed.

8 DATED: June 8, 2015.

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10 EDMUND F. BRENNAN
11 UNITED STATES MAGISTRATE JUDGE
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