

1 claims related to the conditions of his confinement in a civil rights action after the inmate
2 grievance process has been properly exhausted. These matters will not be addressed in the
3 context of this case.

4 II. Amended Petition

5 By order filed April 13, 2016, the original petition was dismissed with leave to amend
6 because petitioner appeared to be attempting to challenge more than one judgment of conviction
7 in a single petition. ECF No. 10. Specifically, the original petition identified two distinct state
8 court cases, Sacramento Superior Court Case Nos. 01F04127 and 10F01569, but identified only
9 one date for the conviction. ECF No. 1 at 1. In dismissing the petition, the court specifically
10 advised petitioner that any petition related to Case No. 01F01569 would be a second or
11 successive petition and that he could not proceed on those claims until receiving permission from
12 the Ninth Circuit. ECF No. 10 at 2-3. Petitioner was also advised that he was required to provide
13 the state court exhaustion information for each judgment separately and that his claims must also
14 be stated separately. Id. at 3. Petitioner proceeded to file several motions for extension, and in
15 one of the motions clarified that he was in fact attempting to pursue relief for two separate
16 judgments of conviction. ECF No. 16 at 1. At that time, petitioner was “cautioned that separate
17 criminal convictions must in most cases be challenged in separate habeas corpus proceedings.”
18 ECF No. 17.

19 Petitioner has now filed a first amended petition, but has failed to follow the court’s
20 directions. Petitioner has failed to identify which conviction he is attempting to challenge and has
21 simply directed the court to his original petition for the conviction and state court exhaustion
22 information. ECF No. 25 at 1-3. Since the information provided related to petitioner’s
23 conviction and state court exhaustion was insufficient in his original petition, his reliance on it in
24 the amended petition does nothing to cure the defects identified by the court.

25 Petitioner will be given one last chance to amend the petition. The amended petition must
26 state which conviction petitioner is trying to challenge, Case No. 01F04127 or 10F01569. He
27 must also complete the section of the petition relating to his exhaustion of state court remedies.
28 Finally, if petitioner wants to challenge the conviction in Case No. 01F04127, which he already

1 tried to challenge in federal court in Irving v. People of the State of California, No. 2:05-cv-01621
2 LKK CMK, he must provide a copy of an order from the Ninth Circuit allowing this court to
3 consider the claims or they will be dismissed.

4 In accordance with the above, IT IS HEREBY ORDERED that:

5 1. Petitioner's amended application for writ of habeas corpus (ECF No. 25) is dismissed
6 with leave to amend. Petitioner shall have thirty days from service of this order to file a second
7 amended petition. The second amended petition must comply with the instructions outlined
8 above.

9 2. The Clerk of the Court is directed to send petitioner the court's form for application for
10 writ of habeas corpus.

11 DATED: June 12, 2017

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13 ALLISON CLAIRE
14 UNITED STATES MAGISTRATE JUDGE

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