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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DONALD E. CAVNESS-BEY,
Petitioner,
v.
RONALD DAVIS,
Respondent.

No. 2:15-cv-02090 KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis.

Examination of the affidavit reveals petitioner is unable to afford the costs of this action. Accordingly, leave to proceed in forma pauperis is granted. 28 U.S.C. § 1915(a).

Although the operative habeas petition is somewhat difficult to decipher, it appears that petitioner therein claims that he is eligible for federal habeas relief because, due to the abolition of slavery in the United States in 1865, courts in the United States may not legally establish jurisdiction over his person.

Petitioner has failed to allege grounds for federal habeas relief in his petition. See Rule 2(c), Rules Governing § 2254 Cases. Accordingly, the petition will be dismissed. See Rule 4, Rules Governing § 2254 Cases. Nevertheless, out of an abundance of caution, petitioner will be given an opportunity to file an amended petition that sets forth proper grounds for federal habeas

1 relief.

2 Therefore, IT IS HEREBY ORDERED that:

3 1. Petitioner is granted leave to proceed in forma pauperis.

4 2. Petitioner's application for writ of habeas corpus is dismissed with leave to amend
5 within thirty days from the date of this order.

6 3. Any amended petition must bear the case number assigned to this action and the title
7 "Amended Petition."

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

10 Dated: October 19, 2015

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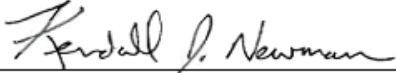
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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE