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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY JAMES FUENTES,
Petitioner,
v.
SWAIN, et al.,
Respondents.

No. 2:15-cv-2535 AC P

ORDER

By order filed June 21, 2017, the undersigned determined that the court lacked jurisdiction over the habeas petition because petitioner was not challenging the legality or duration of his confinement. ECF No. 10. Petitioner was given thirty days to convert the petition into a civil rights complaint or face dismissal of the case. Id. Thirty days have now passed and petitioner has not filed an amended complaint converting this action into a civil rights complaint or otherwise responded to the order. He will be given one final opportunity to convert the petition to a civil rights complaint.

Accordingly, IT IS HEREBY ORDERED that:

1. Petitioner shall have twenty-one days from service of this order to convert the petition into a civil rights complaint by filing an amended complaint on the form provided. If petitioner does not file an amended complaint and convert this action, the petition will be dismissed for lack of habeas jurisdiction without further warning.

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2. The Clerk of the Court is directed to send petitioner a copy of the prisoner complaint form used in this district.

DATED: August 8, 2017



ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE