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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

OLIVER GRAY,
Petitioner,
v.
W.L. MUNIZ,
Respondent.

No. 2:16-cv-1577 JAM KJN P

ORDER

Petitioner, a state prisoner proceeding through appointed counsel, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, together with an application to proceed in forma pauperis.

Examination of the in forma pauperis application reveals that petitioner is unable to afford the costs of suit. Accordingly, the application to proceed in forma pauperis is granted. See 28 U.S.C. § 1915(a).

On January 17, 2017, pursuant to the court’s order, petitioner filed an amended status report. Petitioner states that the claims presented are both timely and exhausted, but seeks an additional thirty days in which to file an amended petition to clarify the grounds raised in claims three and four and support them with relevant Strickland analyses, and to provide additional argument, if any, pertinent to grounds one and two. (ECF No. 16 at 7.) Petitioner states that “the

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1 amendment would supplement the petition,” and asks the court to order the respondent to respond
2 “to the original petition and the amendment.” (ECF No. 16 at 7.)

3 Petitioner is informed that the court cannot refer to another pleading in order to make a
4 habeas petition complete. Local Rule 220 requires that an amended pleading be complete in and
5 of itself without reference to any other pleading. Thus, to the extent that petitioner seeks leave to
6 supplement his habeas petition, such request is denied. But petitioner is granted thirty days in
7 which to file an amended petition as of right. Fed. R. Civ. P. 15. Petitioner must set forth all of
8 his grounds for relief along with any pertinent additional information and argument in support of
9 such claims. Once the amended petition is filed, the court will order the respondent to file a
10 responsive pleading and lodge the pertinent records with the court and provide petitioner’s
11 counsel with a copy thereof.


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

- 13 1. Petitioner’s motion to proceed in forma pauperis (ECF No. 5) is granted;
- 14 2. To the extent petitioner seeks leave to supplement the petition, such request is denied;

15 and

- 16 3. Petitioner is granted thirty days from the date of this order in which to file an amended
17 petition that includes all of his grounds for relief along with any pertinent additional information
18 and argument in support of such claims.

19 Dated: January 26, 2017

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22 KENDALL J. NEWMAN
23 UNITED STATES MAGISTRATE JUDGE

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