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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 DONNIE K. SNEED,

12 Petitioner,

13 v.

14 M.E. SPEARMAN, Warden,

15 Respondent.
16

No. 2:18-cv-0506 KJN P

ORDER

17 Petitioner, a state prisoner proceeding pro se, has filed a petition for writ of habeas corpus
18 pursuant to 28 U.S.C. § 2241, together with a request to proceed in forma pauperis.

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

21 Rule 2 of the Rules Governing Section 2254 Cases provides that the petition: “shall
22 specify all the grounds for relief which are available to the petitioner and of which he has or by
23 the exercise of reasonable diligence should have knowledge and shall set forth in summary form
24 the facts supporting each of the grounds thus specified.” Rule 2(c), Rules Governing Section
25 2254 Cases. Petitioner must also clearly state the relief sought in the petition. Id. Additionally,
26 the Advisory Committee Notes to Rule 4 explains that “notice pleading is not sufficient, for the
27 petition is expected to state facts that point to a real possibility of constitutional error.” Advisory
28 Committee Notes to Rule 4; see Blackledge v. Allison, 431 U.S. 63, 75, n.7 (1977).

1 Here, aside from identifying his first claim, petitioner failed to specify the grounds for
2 relief for claims two through four in his 161-page petition. Rather, petitioner asks the reader to
3 “please review attach[ed] 602.” (ECF No. 1 at 7-8.) Similarly, petitioner provides no supporting
4 facts for any of his claims, including his first claim. Petitioner may not simply refer the court and
5 respondent to a 161-page filing.

6 The petition fails to comply with Rule 2(c), Rules Governing Section 2254 Cases.
7 Therefore, the petition is dismissed with leave to amend. Rule 4, Rules Governing Section 2254
8 Cases. In the amended petition, petitioner must set forth each claim for relief and summarize the
9 facts he alleges support each of the identified claims.


10 Finally, petitioner is not required to append exhibits to his petition. However, to avoid
11 duplication on the court’s docket, if petitioner wishes to append the exhibits from his original
12 petition (ECF No. 1 at 10-161) to his amended petition, he may ask the Clerk of the Court to do
13 so.

14 Accordingly, IT IS HEREBY ORDERED that:

- 15 1. Petitioner is granted leave to proceed in forma pauperis;
- 16 2. Petitioner’s application for writ of habeas corpus is dismissed with leave to amend
17 within thirty days from the date of this order;¹
- 18 3. Any amended petition must bear the case number assigned to this action and the title
19 “Amended Petition”; and
- 20 4. The Clerk of the Court is directed to send petitioner the court’s form application for
21 writ of habeas corpus.

22 Dated: July 17, 2018

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24 snee0506.114


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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28 ¹ By setting this deadline the court is making no finding or representation that the petition is not
subject to dismissal as untimely.