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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CECIL JEROME HATCHETT,
Petitioner,
v.
KEN CLARK,
Respondent.

No. 2:19-cv-2628 JAM CKD P

ORDER

Petitioner, a state prisoner, is proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On March 25, 2020, the court recommended that this action be dismissed for petitioner’s failure to exhaust state court remedies. In his objections to the court’s recommendation, petitioner asserts under penalty of perjury that he did exhaust state court remedies and, based upon the record before the court, there is not good reason to doubt petitioner. Accordingly, the court will vacate the March 25, 2020 findings and recommendations.

Under Rule 4 of the Rules Governing Section 2254 Cases, the court must review all petitions for writ of habeas corpus. Petitioner has submitted an amended petition on the form provided by the court, but the form is not filled out accurately. For example, petitioner does not clearly identify the judgment he challenges or his claims. The brief submitted with the form is mostly vague.

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1 Good cause appearing, petitioner will be provided with one more attempt to submit a
2 petition for writ of habeas corpus upon which petitioner might proceed. With respect to his
3 second amended petition, petitioner must provide accurate information on the form to be provided
4 by the Clerk of the Court and petition must clearly identify his claims. Language supporting the
5 claims must be clear and concise. If petitioner fails to submit a petition that materially complies
6 with the above requirements, the court will recommend that this action be dismissed without
7 prejudice.

8 Finally, petitioner has filed a motion asking for bail. The motion is vague and confusing.
9 In any case, petitioner shows no reason why he should be released from prison on bail.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The court's March 25, 2020 findings and recommendations are vacated.
- 12 2. Petitioner's amended petition for writ of habeas corpus is dismissed with leave to file
13 a second amended petition within 30 days. The contents of the second amended
14 petition must materially comply with all instructions given to petitioner in this order.
15 Failure to file a second amended petition in accordance with the terms of this order
16 will result in a recommendation that this action be dismissed without prejudice.
- 17 3. The Clerk of the Court is directed to send petitioner the court's form-application for
18 writ of habeas corpus by California prisoners.
- 19 4. Petitioner's April 6, 2020 motion for bail is denied.

20 Dated: April 10, 2020

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22 CAROLYN K. DELANEY
23 UNITED STATES MAGISTRATE JUDGE

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