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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN DASHWANE CARLOCK,  
Petitioner,  
v.  
PATRICK COVELLO,  
Respondents.

No. 2:20-cv-2210 TLN KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On February 22, 2021, the undersigned recommended that this action be dismissed based on petitioner’s failure to pay the court’s filing fee or to request to proceed in forma pauperis. On March 4, 2021, petitioner filed an application to proceed in forma pauperis. Thus, the court vacates the findings and recommendations.

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).

The court requires all petitions for writ of habeas corpus be filed on the proper form which is provided by this court. Moreover, the court may limit its review of the petition for relief to the information on the form only and need not consider any memoranda or attachments to the petition. See Rule 2(c), Rules Governing § 2254 Cases.

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1 Petitioner is hereby notified that in order for this court to review his application, he must  
2 refile his petition on the proper form. Furthermore, although petitioner may submit a separate  
3 memorandum to support his petition for relief, including appending the petition he previously  
4 filed, the court's application form must contain all relevant claims, and must provide the court  
5 with all necessary information, including where and when he was convicted.

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

- 7 1. The findings and recommendations (ECF No. 8) are vacated;
- 8 2. Petitioner's motion to proceed in forma pauperis (ECF No. 9) is granted;
- 9 3. Petitioner's application for writ of habeas corpus is dismissed with leave to amend  
10 within thirty days from the date of this order;<sup>1</sup>
- 11 4. Any amended petition must be filed on the form employed by this court and must state  
12 all claims and prayers for relief on the form. It must bear the case number assigned to this action  
13 and must bear the title "Amended Petition"; and
- 14 5. The Clerk of the Court is directed to send petitioner the form for habeas corpus  
15 application.

16 Dated: March 31, 2021

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19 KENDALL J. NEWMAN  
20 UNITED STATES MAGISTRATE JUDGE

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