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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DAVID SHAFFER,

Petitioner,

No. CIV S-09-1543 DAD P

vs.

STATE OF CALIFORNIA, et al.,

Respondents.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, has filed a letter in which he appears to ask for copies of his state and federal petitions for writ of habeas corpus. Petitioner is advised that he does not have any habeas corpus actions pending in this court. Petitioner is also advised that in order to commence such an action, petitioner must file a petition for writ of habeas corpus as required by Rule 3 of the Rules Governing Section 2254 cases, and must either pay the required filing fee or file an application requesting leave to proceed in forma pauperis. See 28 U.S.C. §§ 1914(a), 1915(a). The court will not issue any orders granting or denying relief until an action has been properly commenced.¹

¹ Petitioner has attached to his letter a copy of a habeas petition filed with the California Court of Appeal for the Sixth Appellate District. Therein, he appears to challenge a judgment of conviction entered in the Santa Cruz County Superior Court. Petitioner has also attached to his letter a copy of several orders from the Santa Cruz County Superior Court denying him habeas

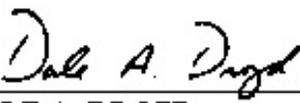
1 The court will grant petitioner thirty days to file a petition and to submit an
2 application requesting leave to proceed in forma pauperis or to submit the appropriate filing fee.

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

4 1. Petitioner is granted thirty days from the date of service of this order to file a
5 petition that complies with the requirements of the Rules Governing Section 2254 Cases, the
6 Federal Rules of Civil Procedure, and the Local Rules of Practice; the petition must bear the
7 docket number assigned this case. Petitioner shall also submit, within thirty days from the date
8 of service of this order, the application to proceed in forma pauperis on the form provided by the
9 Clerk of Court, or the filing fee in the amount of \$5.00. Petitioner's failure to comply with this
10 order will result in a recommendation that this matter be dismissed; and

11 2. The Clerk of the Court is directed to send petitioner the court's form for filing
12 a petition for writ of habeas corpus, and the application to proceed in forma pauperis by a
13 prisoner.

14 DATED: June 12, 2009.

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17 _____
18 DALE A. DROZD
19 UNITED STATES MAGISTRATE JUDGE

18 DAD:9:mp
19 shaf1543.nopetition

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24 corpus relief. Petitioner is advised that, if he wishes to challenge this same conviction in federal
25 court, he should file a petition for writ of habeas corpus in the United States District Court for the
26 Northern District of California. Because petitioner was not convicted in a state court located
within the boundaries of this district court, and is not presently confined here, this court would
not have jurisdiction to entertain such a challenge.