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UNITED STATES DISTRICT COURT
Northern District of California
San Francisco Division

ALONZO McKINNEY,

Petitioner,

v.

HEDGPETH, Warden,

Respondent.

No. C 14-864 LB

ORDER

[Re: ECF No. 9]

Alonzo McKinney filed this *pro se* action for a writ of habeas corpus under 28 U.S.C. § 2254 apparently to challenge a conviction from Monterey County Superior Court. The court reviewed the petition, determined that it did not state a claim upon which habeas relief could be granted, and dismissed it with leave to file an amended petition no later than May 2, 2014. *See* ECF No. 6. The court dismissed the action for failure to state a claim and entered judgment on May 20, 2014 because Mr. McKinney did not file an amended petition.

On June 9, 2014, five weeks after the deadline to file an amended petition, Mr. McKinney filed an amended petition without offering any explanation as to why it was so late. In addition to being quite tardy, the amended petition fails to cure the deficiencies identified in the order of dismissal with leave to amend. Like the original petition, the amended petition fails to adequately describe the claims for relief and fails to adequately describe the facts supporting each claim. The allegations of

1 the amended petition may be directed at disciplinary proceedings rather than the conviction, but the
2 court cannot even be certain of that because the claims and facts are not adequately described. The
3 post-judgment amended petition is dismissed because it is untimely and fails to cure the deficiencies
4 in the original petition. There is no need to vacate the order of dismissal or judgment because the
5 amended petition will not be permitted. Finally, as the court stated in the order of dismissal, the
6 dismissal of this action is without prejudice to Mr. McKinney filing a new action for writ of habeas
7 corpus if he ever is able to state his legal claims and describe the facts in support of those claims.
8 Mr. McKinney should not file any more documents in this closed action.

9 **IT IS SO ORDERED.**

10 Dated: July 22, 2014



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12 LAUREL BEELER
13 United States Magistrate Judge
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