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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
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12 HOWARD YOUNG,

No. C 15-3970 RS (PR)

13 Petitioner,

ORDER OF DISMISSAL

14 v.

15 M.D. BITER,

16 Respondent.
17 _____/

18 This action will be dismissed because petitioner failed to comply with the Court's
19 instructions. The last operative petition was dismissed because petitioner impermissibly
20 sought to challenge in one petition two separate convictions, one from 1992 and the other
21 from 2006. He was ordered to choose one of these two to challenge and file an amended
22 petition regarding that conviction. He since has filed an amended petition.

23 The amended petition is deficient. First, petitioner failed to answer essential questions
24 asked in petition application, e.g., the name and location of the court of conviction, date of
25 conviction, length of sentence, etc. A proper habeas application must be filled out
26 completely and the questions posed by the form must be answered in full.
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1 Second, petitioner's appended copy of a state habeas petition does not clear up
2 matters. In it, he raises claims regarding the validity of a conviction and the failure of prison
3 officials to calculate a correct release date. If petitioner files an amended petition, he must
4 decide whether he is challenging a conviction or suing prison officials for failing to give him
5 a correct release date. Both cannot be raised in one proceeding.

6 Because petitioner clearly has failed to comply with the Court's instructions, the
7 action is DISMISSED without prejudice. Petitioner may move to reopen the action at any
8 time, but any such motion must be accompanied by an amended petition that answers all
9 questions listed on the form, and a clear articulation of the cause of action. The Clerk shall
10 enter judgment in favor of respondent and close the file.

11 **IT IS SO ORDERED.**

12 DATED: August_2, 2016



RICHARD SEEBORG
United States District Judge