

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HOWARD YOUNG,
Petitioner,

v.
C. PFEIFFER,
Respondent.

Case No. [15-cv-03970-RS](#) (PR)

**ORDER REOPENING ACTION;
ORDER DISMISSING PETITION
WITH LEAVE TO AMEND**

This federal habeas action was dismissed because petitioner filed an amended petition that failed to answer crucial questions, e.g., the name and location of the court of conviction. Petitioner since has filed another amended petition. The action is REOPENED, and the Clerk shall amend the docket to reflect this. The judgment (Docket No. 36) and the order of dismissal (Docket No. 35) are VACATED.

The present petition is deficient. Like his prior ones, his amended petition fails to answer important questions. In particular, petitioner fails to state what crimes he was convicted of, and the exact date(s) of conviction and sentencing. Petitioner is reminded of the following, which appeared in a prior order of dismissal: “A proper habeas application must be filled out completely and the questions posed by the form must be answered in full.” A petition failing to comply fully with these instructions will be dismissed.

1 Accordingly, the petition is DISMISSED with leave to file an amended petition on
2 or before November 1, 2016. **No extensions of time will be granted.** The amended
3 petition must include the caption and civil case number used in this order (15-03970 RS
4 (PR)) and the words FOURTH AMENDED PETITION on the first page. Because an
5 amended petition completely replaces the previous petition, petitioner must include in his
6 amended petition all the claims he wishes to present. He may not incorporate material
7 from the prior petition by reference. Failure to file an amended petition in accordance with
8 this order will result in dismissal of this action with prejudice for failure to prosecute under
9 Federal Rule of Civil Procedure 41(b).

10 Petitioner's motion for discovery and to renew his prior motions (Docket No. 39) is
11 DENIED. The Court will not consider any such motion until petitioner has filed a proper
12 petition. The Clerk shall terminate Docket No. 39.

13 **IT IS SO ORDERED.**

14 **Dated:** September 15, 2016


RICHARD SEEBORG
United States District Judge

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