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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARMANDO MOLINA,

Petitioner,

No. C 10-0230 PJH (PR)

v.

**ORDER FOR PETITIONER TO
SHOW CAUSE**PEOPLE OF THE STATE OF
CALIFORNIA,

Respondent.

On January 19, 2010, the court received a form "Petition for Writ of Certiorari" headed "In the Supreme Court of the United States." The form is an original, completed in pencil. It was accompanied by a motion for leave to proceed in forma pauperis ("IFP") on a Supreme Court form. In an effort to protect petitioner's rights, the filings were treated as an attempt to start a new habeas case in this court. The clerk sent petitioner a notice that his IFP application was deficient because it was not on the right form, did not include a certificate of fund in his inmate account, and did not include a printout of transactions in his inmate account for the prior six months. A copy of the court's form for prisoner habeas IFP applications was included with the notice.

On February 1, 2010, petitioner filed this court's IFP form and a notice of filing petition for certiorari headed "Supreme Court of the United States." That he chose to file the IFP form suggests that he may have intended to file in this court, but everything else suggests that he wanted to file a petition for a writ of certiorari in the United States Supreme Court and merely sent the materials to the wrong court.

Petitioner shall show cause within thirty days of the date this order is entered why this case should not be dismissed as filed in the wrong court. If he intended to file in the

1 Supreme Court rather than this court, he should simply say that; this case will be dismissed
2 as filed in error and he can then file in the United States Supreme Court in Washington, D.C.
3 In so saying the court expresses no opinion as to whether a petition for certiorari so filed
4 would be timely.

5 **IT IS SO ORDERED.**

6 Dated: March 23, 2010.



PHYLLIS J. HAMILTON
United States District Judge

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