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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

MATTHEW R. BOSELLY,
Petitioner,
v.
STATE OF CALIFORNIA,
Respondent.

Case No. 17cv1534 JAH (PCL)

**ORDER: (1) DENYING REQUEST
TO REOPEN CASE AND (2)
GRANTING EXTENSION OF TIME
TO FILE FIRST AMENDED
PETITION**

On July 27, 2017, Petitioner, a state prisoner proceeding pro se, filed a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. (ECF No. 1.) On August 8, 2017, the Court dismissed the petition because Petitioner had failed to satisfy the filing fee requirement, failed to name a proper respondent and failed to state a cognizable claim on federal habeas. (ECF No. 2.) Petitioner was advised that if he wished to proceed with this action he must (1) either pay the \$5.00 filing fee or submit adequate proof of his inability to pay and (2) file a First Amended Petition no later than October 9, 2017. (*Id.*)

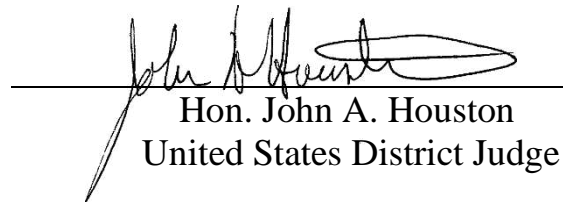
On October 10, 2017, Petitioner submitted a letter in which he contends that he submitted a Trust Account Withdraw Order to prison officials. (ECF No. 5 at 1.) He also argues that the proper respondent should be the “chief acting justice for the appellate level of the Federal Court.” (*Id.* at 2.) Finally, he states that he should not be required to //submit an amended petition because of the additional postage and copying costs, and

1 asks the Court to reopen the case. (*Id.*)

2 The Court **DENIES** Petitioner's request to reopen the case. As discussed in this
3 Court's August 8, 2017 Order, the case remains dismissed and cannot be reopened until
4 Petitioner does two things: (1) either pay the filing fee or provide adequate proof of his
5 inability to pay and (2) file a First Amended Petition which names a proper respondent
6 and raises cognizable federal claims. The amended petition must be complete in and of
7 itself. *See Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997); *King v. Atiyeh*,
8 814 F.2d 565, 567 (9th Cir. 1987). The Court **GRANTS** an extension of time to file an
9 amended petition and satisfy the filing fee requirement, due no later than **December 8,**
10 **2017.** *For Petitioner's convenience, the Clerk of Court shall attach to this Order a blank*
11 *in forma pauperis application and a blank First Amended Petition form.*

12 **IT IS SO ORDERED.**

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14 Dated: November 2, 2017

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16 Hon. John A. Houston
17 United States District Judge
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