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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ABEL GAETA, JR.,
Petitioner,
v.
STU SHERMAN,
Respondent.

No. 1:15-cv-01770-SKO HC
**ORDER DIRECTING PETITIONER
TO SIGN PETITION**

On November 24, 2015, Petitioner, a state prisoner proceeding *pro se*, filed a petition for habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner neglected to sign the petition. Rule 2 of the Rules Governing Section 2254 Cases requires a petition to “be signed under penalty of perjury by the petitioner.”

Petitioner may correct his omission by submitting a new copy of the petition, **labelled with the file number in the caption above (No. 1:15-cv-01770-SKO HC)**, and signed under penalty of perjury on page 16. Because requiring a petitioner to submit a entirely new petition with a signature may impose unnecessary costs of copying and postage on the petitioner or results in a filing error upon submission to the Court, Petitioner may also submit a **signed** affidavit, **bearing the caption and case number shown above**, and setting forth the following language:

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I, Abel Gaeta, Jr., declare (or certify, verify, or state) under penalty of perjury that the all allegations set forth in the petition for writ of habeas corpus filed November 23, 2015, in *Abel Gaeta, Jr. v. Stu Sherman*, Case No. 1:15-cv-01770-SKO HC, are true and correct, and that I placed the petition for writ of habeas corpus in the prison mailing system for filing.

Executed (signed) on __ (date).

Accordingly, it is hereby ORDERED that Petitioner shall submit within 30 days of this order either (1) a signed copy of the petition for writ of habeas corpus OR (2) an affidavit, as described above and signed under penalty of perjury, attesting to the truth of the prior petition. If Petitioner fails to comply with this order within 30 days, the action will be dismissed without further notice for failure to comply with a court order.

IT IS SO ORDERED.

Dated: November 29, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE