

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:

1 I, Abel Gaeta, Jr., declare (or certify, verify, or state) under penalty
2 of perjury that the all allegations set forth in the petition for writ of
3 habeas corpus filed November 23, 2015, in *Abel Gaeta, Jr. v. Stu*
4 *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.

5 Executed (signed) on __ (date).

6 Accordingly, it is hereby ORDERED that Petitioner shall submit within 30 days of this
7 order either (1) a signed copy of the petition for writ of habeas corpus OR (2) an affidavit, as
8 described above and signed under penalty of perjury, attesting to the truth of the prior petition. If
9 Petitioner fails to comply with this order within 30 days, the action will be dismissed without
10 further notice for failure to comply with a court order.
11

12
13 IT IS SO ORDERED.

14 Dated: November 29, 2015

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE