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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION

JAMAL C. WHITE,
Petitioner,
vs.
JOHN C. MARSHALL, et al.,
Respondents.

Case No. CV 07-6847-ABC (JWJ)

**MEMORANDUM AND ORDER
VACATING JANUARY 23, 2008
DISMISSAL ORDER AND
DENYING AS MOOT
PETITIONER'S MOTION FOR
RECONSIDERATION**

Petitioner Jamal C. White filed his original Petition for Writ of Habeas Corpus in this Court on October 23, 2007. On January 23, 2008, the Court dismissed the Petition because Petitioner did not state a claim for relief in the October 2007 Petition.

However, Petitioner had filed, on November 19, 2007, a Memorandum of Points and Authorities in Support of his Habeas Petition. Within that document was a federal habeas petition (stamped "Lodged" with the Court) in which Petitioner articulated one claim for relief: "Motion to Suppress Evidence was Erroneously Denied." (Lodged Petition, at 5.)

In the meantime, after the Court issued its Memorandum and Order dismissing the Petition, Petitioner filed a Motion for Reconsideration of the

1 Dismissal Order and an appeal in the Ninth Circuit. The Ninth Circuit
2 dismissed Petitioner's appeal for lack of jurisdiction, but the Motion for
3 Reconsideration remains pending.

4 The Court now hereby construes the Petition lodged with the Court on
5 November 19, 2007 as Petitioner's First Amended Petition with an
6 accompanying Memorandum of Points and Authorities; it is ORDERED filed
7 as such. The Court also hereby VACATES its January 23, 2008 Dismissal
8 Order. Finally, the Court DENIES AS MOOT Petitioner's Motion for
9 Reconsideration.

10 The Court returns this case to the Magistrate Judge for further
11 proceedings on the November 19, 2007 First Amended Petition.

12
13 DATED: 9/29/08

Audrey B. Collins

AUDREY B. COLLINS
United States District Judge

17 Presented by:

18 DATED: September 25, 2008

19
20 *Jeffrey W. Johnson*

JEFFREY W. JOHNSON
United States Magistrate Judge

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