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5 UNITED STATES DISTRICT COURT  
6 CENTRAL DISTRICT OF CALIFORNIA  
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9 VARTAN M. STEPHAN, ) Case No. CV 09-6394-RSWL(RC)  
10 )  
11 Petitioner, )  
12 vs. )  
13 JAMES WALKER [WARDEN], ) OPINION AND ORDER ON A  
14 ) PETITION FOR HABEAS CORPUS  
15 )  
16 Respondent. )  
17 )  
18 )  
19 )  
20 )

21 On September 2, 2009, petitioner Vartan M. Stephan, a person in  
22 state custody proceeding pro se, filed a petition for writ of habeas  
23 corpus under 28 U.S.C. § 2254 challenging his 25 years to life  
24 sentence in Los Angeles County Superior Court case no. GA024107.

25 **BACKGROUND**

26 This Court, pursuant to Federal Rule of Evidence 201, takes  
27 judicial notice of the records in a prior federal habeas corpus action  
28 brought by petitioner: (1) Stephan v. Galasa, case no. CV 98-2225-  
RSWL(RC) ("Stephan I"). The records in Stephan I show that on  
March 27, 1998, petitioner filed a federal habeas corpus petition  
challenging the same criminal judgment he challenges here, and on  
October 16, 1998, Judgment was entered in Stephan I denying the habeas  
petition on the merits and dismissing the action. The petitioner did  
not appeal the Judgment to the Ninth Circuit Court of Appeals.



1 petition as a successive petition for which it lacks subject matter  
2 jurisdiction under 28 U.S.C. § 2244(b)(3).

3 Rule 4 of the Rules Governing Section 2254 Cases in the United  
4 States Courts provides that "[i]f it plainly appears from the petition  
5 and any attached exhibits that the petitioner is not entitled to  
6 relief in the district court, the judge must dismiss the petition and  
7 direct the clerk to notify the petitioner." 28 foll. U.S.C. § 2254,  
8 Rule 4.

9 **ORDER**

10 IT IS HEREBY ORDERED that Judgment be entered SUMMARILY  
11 DISMISSING the successive petition for writ of habeas corpus for lack  
12 of subject matter jurisdiction.

13  
14 IT IS FURTHER ORDERED that the Clerk shall notify petitioner of  
15 the dismissal.

16  
17 DATE: September 11, 2009

18 **RONALD S.W. LEW**  
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19 HONORABLE RONALD S.W. LEW  
20 SENIOR U.S. DISTRICT COURT JUDGE

21 PRESENTED BY:

22 DATE: September 4, 2009

23 /S/ ROSALYN M. CHAPMAN  
24 ROSALYN M. CHAPMAN  
25 UNITED STATES MAGISTRATE JUDGE

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27 9/4/09