

1 petitioner's Motion to Amend Petition for Writ of Habeas Corpus (doc. #20),
2 wherein the petitioner seeks to amend his petition in light of his conviction to seek
3 the dismissal of his state charges on speedy trial grounds, should be denied as
4 premature because the petitioner may only seek such relief through a petition
5 filed pursuant to 28 U.S.C. § 2254 after he has exhausted his state remedies.

6 Therefore,

7 IT IS ORDERED that the Magistrate Judge's Report and Recommendation
8 (doc. #26) is accepted and adopted by the Court.

9 IT IS FURTHER ORDERED that the petitioner's Motion to Amend Petition
10 for Writ of Habeas Corpus (doc. #20) is denied.

11 IT IS FURTHER ORDERED that the petitioner's Petition for Writ of Habeas
12 Corpus, filed pursuant to 28 U.S.C. § 2241, is denied and that this action is
13 dismissed. The Clerk of the Court shall enter judgment accordingly.

14 DATED this 23rd day of November, 2009.

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18 Paul G. Rosenblatt
United States District Judge