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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Alan K. Morgal,  
Petitioner,  
vs.  
Charles L. Ryan, et al.,  
Respondents.

No. CV 09-2508-PHX-MHM (MHB)

**ORDER**

Pending before the Court is Petitioner’s “Motion for Leave to File Amended Petition” (Doc. #5). The Court will deny the Motion as moot.

**I. Procedural Background**

On December 2, 2009, Petitioner Alan K. Morgal, who is confined in the Arizona State Prison Complex-Tucson, filed a *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 (Doc. #1) and an Application to Proceed *In Forma Pauperis* (Doc. #3). By Order filed February 25, 2010 (Doc. #4), the Court granted the Application to Proceed *In Forma Pauperis*; dismissed the Petition without prejudice, with leave to amend; and gave Petitioner 30 days from the filing date of the Order to file his amended petition with the Clerk of Court on the court-approved form included with the Order.

**II. Motion for Leave to File Amended Petition**

On February 26, 2010, Petitioner filed his “Motion for Leave to File Amended

1 Petition” (Doc. #5), in which Petitioner informs the Court that he “inadvertently” filed his  
2 Petition without the “final count (#13) 13.” Petitioner seeks leave to “file the correct  
3 petition.”

4 The Court will deny Petitioner’s Motion as moot because the Court has, by Order  
5 filed February 25, 2010 (Doc. #4), dismissed the Petition (Doc. #1) with leave to file an  
6 amended petition.

7 **III. Warnings**

8 **A. Address Changes**

9 Petitioner must file and serve a notice of a change of address in accordance with Rule  
10 83.3(d) of the Local Rules of Civil Procedure. Petitioner must not include a motion for other  
11 relief with a notice of change of address. Failure to comply may result in dismissal of this  
12 action.

13 **B. Copies**

14 Petitioner must submit an additional copy of every filing for use by the Court. LRCiv  
15 5.4. The Court may strike any filing that fails to comply with these requirements.

16 **C. Possible Dismissal**

17 Petitioner is warned that failure to timely comply with every provision of this Order,  
18 including these warnings, and the Court’s February 25, 2010 Order (Doc. #4), may result in  
19 dismissal of this action without further notice. See *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-  
20 61 (9th Cir. 1992) (a district court may dismiss an action for failure to comply with any order  
21 of the Court).

22 **IT IS ORDERED:**

23 (1) Petitioner’s “Motion for Leave to File Amended Petition” (Doc. #5) is **denied**  
24 **as moot.**

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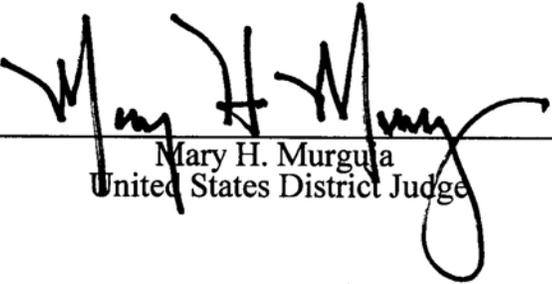
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(2) **If** Petitioner fails to file an amended petition within 30 days from the filing date of the Court's February 25, 2010 Order (Doc. #4), the Clerk of Court **must enter**, without further notice to Petitioner, a judgment of dismissal of this action without prejudice.

DATED this 5<sup>th</sup> day of April, 2010.



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Mary H. Murgula  
United States District Judge