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

Eltorna Gant, Sr.,)	No. CV 10-454-PHX-MHM (LOA)
Petitioner,)	ORDER
vs.)	
State of Arizona, et al.,)	
Respondents.)	

On March 1, 2010, Petitioner Eltorna Gant, Sr., who is confined in the Arizona State Prison Complex-Tucson in Tucson, Arizona, paid the filing fee and filed a *pro se* Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, an Application for Appointment of Counsel, and an Affidavit.

In a March 23, 2010 Order, the Court dismissed the § 2254 Petition because Petitioner had failed to name a proper respondent and denied without prejudice the Application for Appointment of Counsel. The Court gave Petitioner 30 days to file an amended petition that cured the jurisdictional defect identified in the Order.

On March 25, 2010, Petitioner, through attorney Thomas Jacobs, filed a new habeas action, Gant v. Ryan, CV 10-676-PHX-MHM (LOA). In an April 7, 2010 Order in that case, the Court ordered the Respondents in that case to file an answer to the § 2254 petition in CV 10-676-PHX-MHM (LOA).

On April 23, 2010, Petitioner filed a *pro se* Amended § 2254 Petition (Doc. #8) in this case. Because the Amended § 2254 Petition challenges the same convictions and sentences

1 that are at issue in CV 10-676-PHX-MHM (LOA), the Court will dismiss the Amended
2 § 2254 Petition as duplicative of CV 10-676-PHX-MHM (LOA). If Petitioner has raised
3 issues in his Amended § 2254 Petition that his attorney in CV 10-676-PHX-MHM (LOA)
4 has not presented to the Court, Petitioner should contact his attorney and discuss whether his
5 attorney should file an amended petition in CV 10-676-PHX-MHM (LOA) that raises those
6 issues. The Court will direct the Clerk of Court to send a courtesy copy of this Order to the
7 attorneys or record in CV 10-676-PHX-MHM (LOA).

8 **IT IS ORDERED:**

9 (1) Petitioner's Amended Petition for Writ of Habeas Corpus (Doc. #8) is
10 **dismissed** as duplicative of Gant v. Ryan, CV 10-676-PHX-MHM (LOA).

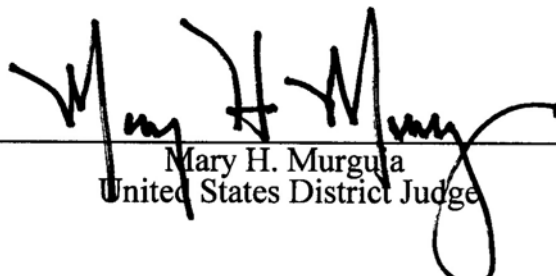
11 (2) The Clerk of Court must send a courtesy copy of this Order, **by electronic mail**
12 **and regular mail**, to:

13
14 Thomas Frank Jacobs
15 Law Offices of Thomas Jacobs
16 271 N Stone Ave
17 Tucson, AZ 85701
18 Thomas.F.Jacobs@azbar.org

19 **and**

20 William Scott Simon
21 Office of the Attorney General
22 Criminal Appeals
23 1275 W Washington St
24 Phoenix, AZ 85007
25 william.simon@azag.gov

26 DATED this 3rd day of May, 2010.

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Mary H. Murgula
United States District Judge