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

John H. King, II,
Petitioner,
vs.
Charles Ryan, et al.,
Respondents.

No. CV 11-1757-PHX-GMS (LOA)

ORDER

On September 6, 2011, Petitioner John H. King, II, who is confined in the Arizona State Prison Complex-Tucson in Tucson, Arizona, filed a “Motion to Request for Extension of Time to File Petition under 28 U.S.C. § 2254.” In a September 8, 2011 Order, the Court denied the Motion and dismissed the case for lack of jurisdiction. In the Order, the Court stated that Petitioner was not prevented from filing a future petition for writ of habeas corpus in this Court. The Clerk of Court entered Judgment on September 8, 2011.

On October 24, 2011, Petitioner filed a Petition Under 28 U.S.C. § 2254 (Doc. 5) and an Application to Proceed *In Forma Pauperis* (Doc. 6) in this case. This case is **closed**. Therefore, the Court will deny without prejudice the Petition and Application to Proceed.

In the interests of justice, the Court will direct the Clerk of Court to open a new case and file the § 2254 Petition and Application to Proceed in the new case. **Filings related to the § 2254 Petition must bear the new case number.**

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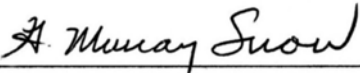
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IT IS ORDERED:

(1) Petitioner’s Petition Under 28 U.S.C. § 2254 (Doc. 5) and Application to Proceed *In Forma Pauperis* (Doc. 6) are **denied without prejudice**.

(2) The Clerk of Court must open a new case **and** must file the § 2254 Petition (Doc. 5) and Application to Proceed *In Forma Pauperis* (Doc. 6) in the new case. The new action must be **direct assigned** pursuant to Local Rule of Civil Procedure 3.5(c). In the new action, the § 2254 Petition and Application to Proceed must reflect a filing date of October 24, 2011. The Clerk of Court must issue a Notice of Assignment for the new case.

DATED this 27th day of October, 2011.



G. Murray Snow
United States District Judge