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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 John Calvin Neuendorf, II,

No. CV 12-755-PHX-RCB (DKD)

10 Petitioner,

11 vs.

ORDER

12 Charles L. Ryan, et al.,

13 Respondents.
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15 Petitioner John Calvin Neuendorf, II, who is confined in the Arizona State Prison
16 Complex-Eyman, filed *pro se* Petition Under 28 U.S.C. § 2254 for a Writ of Habeas
17 Corpus by a Person in State Custody and an Application to Proceed *In Forma Pauperis*.
18 On April 26, 2012, Petitioner filed a Motion for Leave to Amend and on May 4, 2012,
19 Petitioner filed a second Motion for Leave to Amend. In a June 29, 2012 Order, the
20 Court granted the Application to Proceed and granted Petitioner leave to file an amended
21 petition. On July 27, 2012, Petitioner filed an Amended Petition.

22 On September 10, 2012, the Court dismissed the Amended Petition and this action
23 because Petitioner had not exhausted state court remedies. Judgment was entered on the
24 same date.

25 Pending before the Court are Petitioner's September 12, 2013 Amended Petition
26 (Doc. 23), September 26, 2013 Application for Leave to Proceed *In Forma Pauperis*
27 (Doc. 25), October 17, 2013 Motion to Amend (Doc. 26), and December 4, 2013 Motion
28 for Leave to Amend (Doc. 28).

1 This case is closed. The Court will therefore strike Petitioner's September 12,
2 2013 Amended Petition and deny as moot the remaining motions. If Petitioner wishes to
3 pursue his habeas claims, he must file a *new* petition in a *new* case and must pay the
4 filing fee or file in the new case a complete application to proceed *in forma pauperis*.

5 **IT IS ORDERED:**

6 (1) The Clerk of Court **must strike** the September 12, 2013 Amended Petition
7 (Doc. 23).

8 (2) Petitioner's September 26, 2013 Application to Proceed *In Forma Pauperis*
9 (Doc. 25) is **denied** as moot.

10 (3) Petitioner's October 17, 2013 Motion to Amend (Doc. 26) is **denied**.

11 (4) Petitioner's December 4, 2013 Motion for Leave to Amend (Doc. 28) is
12 **denied**.

13 DATED this 27th day of December, 2013.

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17 Robert C. Broomfield
18 Senior United States District Judge
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