

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. **CV 11-05615 JST (RZ)**

Date **September 2, 2011**

Title **MARCOS REYES MARTINEZ v. McDONALD, WARDEN**

Present: The Honorable **JOSEPHINE STATON TUCKER, U.S. DISTRICT JUDGE**

Ellen Matheson

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Petitioner:

Attorneys Present for Respondent:

N/A

N/A

Proceedings:

(In Chambers)

SUMMARY DISMISSAL OF ACTION AS DUPLICATIVE

The Court will dismiss this action summarily, for it is a duplicate of another case that itself has been summarily dismissed. The following short chronology explains matters.

On July 8, 2011, the Court received Petitioner’s motion for an extension of time to commence a habeas action. Although no habeas *petition* yet had been filed, the Clerk opened the above-captioned case and number for reference purposes.

On July 14, the Court received a habeas petition from Petitioner. Because the petition bore no case number – Petitioner could not have included a number, for he had not received it from the Clerk at the time he mailed his petition – the Clerk opened *another* new case, namely number CV 11-05789 JST (RZ). Although two separate cases were opened, they are really the same single case.

On July 28, the Court dismissed case CV 11-05789 summarily, explaining that Petitioner indicated in his petition that he has a pending state-court challenge to his conviction or sentence.

That leaves this vestigial action, consisting only of Petitioner’s motion to extend time. The motion is DENIED, and this action is DISMISSED as duplicative of case number CV 11-05789. As in the latter case, the Court DENIES a Certificate of Appealability.

IT IS SO ORDERED.

Initials of Preparer

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