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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

NICOLAS MORAN,

Plaintiff,

v.

JOHN DOVEY, et al.,

Defendants.

CASE NO. 1:08-cv-00016-AWI-SMS PC

ORDER DENYING PETITION FOR RELIEF
FROM CAL. GOVT. CODE SECTION 945.4
FOR LACK OF JURISDICTION

(Doc. 26)

Plaintiff Nicolas Moran is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. On April 20, 2009, pursuant to California Government Code section 946.6, Plaintiff filed a petition for relief from section 945.4. The Court does not have jurisdiction to consider Plaintiff's petition, and it is HEREBY DENIED for lack of subject matter jurisdiction. Ovando v. City of Los Angeles, 92 F.Supp.2d 1011, 1022 (C.D.Cal. 2000) (question presented by 946.6 petition is different from merits of claim and, therefore, is not within federal court's subject matter jurisdiction) (citations omitted).

IT IS SO ORDERED.

Dated: April 27, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE