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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ALBERTO RUIZ,	)	1:09-cv-00747 LJO YNP [DLB] (HC)
	)	
Petitioner,	)	ORDER REQUIRING PETITIONER TO
	)	FILE COPY OF ORIGINAL STATE
v.	)	SUPREME COURT PETITION.
	)	
W.J. SULLIVAN, Warden,	)	
	)	
Respondent.	)	

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Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On February 2, 2010, this Court dismissed the petition due to Petitioner’s failure to exhaust. On February 24, 2010, Petitioner filed a motion for reconsideration claiming that he misunderstood what the Court was asking when he answered that he had not filed a petition for writ of habeas corpus in the State supreme court. (Doc. #11.) With this motion, Petitioner filed a copy of an application to lodge exhibits filed in the California Supreme Court and a summary denial issued by that court on June 25, 2008. While Petitioner has shown proof as to the fact that he did file a habeas petition before the State supreme court, he still has not shown that the claims ruled on by that court are the same claims presented in his federal petition.

Accordingly, it is hereby ORDERED that Petitioner must file a copy of his original State supreme court petition for habeas corpus within twenty (20) days of this order. The copy of the petition must contain that court’s file stamp indicating the date on which the petition was filed.

IT IS SO ORDERED.

**Dated: March 1, 2010**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE