

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GILBERTO LEON,)	1:10-CV-00898 OWW SMS HC
)	
Petitioner,)	ORDER DENYING MOTION TO CORRECT
)	CASE NUMBER
v.)	[Doc. #10]
)	
JAMES D. HARTLEY, Warden,)	
)	
Respondent.)	
_____)		

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 24, 2009, Petitioner filed a federal habeas petition challenging a 2006 decision by the parole board. That case was assigned case number "1:09-CV-00445 AWI DLB HC." On June 22, 2010, Respondent filed an answer to the petition in that case.

On May 19, 2010, Petitioner filed the instant habeas petition challenging the 2008 decision of the parole board. On June 11, 2010, Respondent was ordered to respond to the petition. Respondent filed an answer on August 10, 2010. Shortly before Respondent filed his answer, however, on July 9, 2010, Petitioner filed a traverse along with a motion to correct the case number. Apparently,

1 Petitioner received the answer to the petition in his prior case and misunderstood it to pertain to the
2 instant case. The traverse he filed on July 9, 2010, was in response to the answer in the prior case,
3 but Petitioner referenced the instant case and the traverse was filed in the instant case. The Court has
4 reviewed the various pleadings. The case numbers referenced in the answers by Respondent were
5 correct. Petitioner's misunderstanding is unfortunate, yet it is duty incumbent on him to keep track
6 of his cases.

7 Accordingly, IT IS HEREBY ORDERED that Petitioner's Motion to Correct Case Number is
8 DENIED.

9

10 IT IS SO ORDERED.

11 **Dated: December 6, 2010**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28