

FILED

UNITED STATES COURT OF APPEALS

MAR 15 2011

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JUAN ABELARDO LOPEZ,

No. 10-73963

Petitioner,

v.

ORDER

RAUL LOPEZ, Warden,

Respondent.

Before: LEAVY, TASHIMA, and BYBEE, Circuit Judges.

Raul Lopez, warden of California State Prison, Corcoran, is substituted as respondent in this petition. Fed R. App. P. 43(c)(2).

Based upon our review of the pleadings filed and of United States district court dockets in California, it appears petitioner has not previously filed a habeas petition pursuant to 28 U.S.C. § 2254 in a district court.

Accordingly, notwithstanding petitioner's filing of a document entitled "Application for Permission to File A Second or Successive Petition," we treat his filing as an initial § 2254 habeas corpus petition, and transfer the petition to the United States District Court for the Eastern District of California for such proceedings as it deems appropriate.

TRANSFERRED.

ln/MOATT