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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID J. VALENCIA, JR.,)	1:11-cv-01066-AWI-SKO-HC
)	
Petitioner,)	ORDER DISREGARDING PETITIONER'S
)	AMENDED PETITION FOR WRIT OF
)	HABEAS CORPUS (DOC. 54)
v.)	
)	INFORMATIONAL ORDER TO PETITIONER
MICHAEL MARTEL,)	
)	
Respondent.)	
)	
)	

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rules 302 and 303. Pending before the Court is Petitioner's amended petition for writ of habeas corpus, which was lodged on November 13, 2012.

On November 7, 2012, the Court granted Petitioner's unopposed motion to file a second amended petition and expressly provided that Petitioner's previously filed first amended petition (doc. 29, filed June 14, 2012), as augmented by Petitioner's motion to amend (doc. 47), would constitute the second amended petition. (Doc. 51, 2.) The Court's order

1 expressly provided that filing a separate pleading was
2 unnecessary. (Id.) Respondent subsequently filed notice that
3 Respondent intended to rely on Respondent's previously filed
4 answer (doc. 53, filed November 8, 2012).

5 It therefore appears that the amended petition lodged by
6 Petitioner on November 13, 2012, was unnecessary, and thus, it is
7 DISREGARDED.

8 Petitioner is INFORMED that if in filing the disregarded
9 amendment, Petitioner intended to seek leave to file a petition
10 with additional new matter, Petitioner must seek leave of the
11 Court to file a third amended petition by way of a noticed
12 motion.

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15 IT IS SO ORDERED.

16 **Dated: November 15, 2012**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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