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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

YAKINI DEANDRE BYRD,)	Case No.: 1:13-CV-00583 LJO GSA HC
)	
Petitioner,)	ORDER DISMISSING PETITION FOR WRIT OF
)	HABEAS CORPUS
v.)	
)	ORDER DIRECTING CLERK OF COURT TO
R.T.C. GROUND,)	ENTER JUDGMENT AND TERMINATE CASE
)	
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 April 19, 2013, Petitioner filed a federal petition for writ of habeas corpus in this Court. The petition was assigned case number “1:13-CV-00569 GSA HC,” and is currently in the briefing stage. The petition challenges Petitioner’s 2011 convictions in the Fresno County Superior Court for murder.

On April 22, 2013, Petitioner filed a second federal petition for writ of habeas corpus in this Court. This petition was assigned case number “1:13-CV-00583 GSA HC.” This petition is identical to the previously filed petition.

“After weighing the equities of the case, the district court may exercise its discretion to dismiss a duplicative later-filed action, to stay that action pending resolution of the previously filed action, to

1 enjoin the parties from proceeding with it, or to consolidate both actions.” Adams v. California Dept.
2 of Health Services, 487 F.3d 684, 688 (9th Cir. 2007). “Plaintiffs generally have ‘no right to maintain
3 two separate actions involving the same subject matter at the same time in the same court and against
4 the same defendant.’” Id. (quoting Walton v. Eaton Corp., 563 F.2d 66, 70 (3d Cir. 1977)).

5 Because the instant petition is identical to the petition currently pending in case number “1:13-
6 CV-00569 LJO GSA HC,” the instant petition must be dismissed as duplicative.

7 **ORDER**

8 Accordingly, IT IS HEREBY ORDERED:

- 9 1) The petition for writ of habeas corpus is DISMISSED as duplicative; and
10 2) The Clerk of Court is DIRECTED to enter judgment and terminate the case.

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14 IT IS SO ORDERED.

15 Dated: July 15, 2013

/s/ Lawrence J. O’Neill
16 UNITED STATES DISTRICT JUDGE