



1 the district court should construe the later-filed petition as a motion to amend the earlier-filed petition.  
2 Woods, 525 F.3d at 889-890. Hence, Woods require a district court to construe a “second or  
3 successive” petition filed while an earlier petition is still pending in the district court as a motion to  
4 amend the earlier petition.

5 Here, as mentioned, Petitioner first filed a habeas petition in this Court in case no. 14-1109  
6 challenging prison discipline. The following day, he filed the instant petition. Both petitions appear  
7 virtually identical, except that Petitioner’s prison discipline information is contained in the earlier-filed  
8 petition which omits a signature as required by federal law. Applying the Ninth Circuit’s reasoning in  
9 Woods, this Court must treat the instant later-filed petition as a motion to amend the earlier-filed  
10 petition in case no. 14-1109. Accordingly, the Court will direct the Clerk of the Court to file this  
11 petition in case no.14-1109 as a motion to amend the petition in that case and will direct the Clerk of  
12 the Court to administratively close this case.

13 **ORDER**

14 For the foregoing reasons, IT IS HEREBY ORDERED as follows:

- 15 1. The Court construes the instant petition for writ of habeas corpus (Doc. 1), as a motion  
16 to amend the petition in case no. 1:14-cv-01109-SAB to include the claim raised herein;
  - 17 2. The Clerk of Court is DIRECTED to docket in case no. 1:14-cv-01109-SAB the instant  
18 petition for writ of habeas corpus (Doc. 1) as a motion to amend;
  - 19 3. The Clerk of Court is DIRECTED to close this case.
- 20

21 IT IS SO ORDERED.

22 Dated: November 5, 2014

/s/ Jennifer L. Thurston  
23 UNITED STATES MAGISTRATE JUDGE