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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VESTER L. PATTERSON,
Petitioner,
v.
ON HABEAS CORPUS,
Respondent.

Case No. 1:14-cv-01400-BAM HC

ORDER STRIKING MISCAPTIONED
MOTION TO VACATE JUDGMENT

(Docs. 13 and 14)

Petitioner, a state prisoner, previously proceeded *pro se* in this Court with a petition for writ of habeas corpus pursuant to 20 U.S.C. § 2254. On November 4, 2014, the Court denied Petitioner's motion for a stay of the above-captioned case and dismissed the petition for habeas corpus without prejudice. The Clerk of Court closed the case.

On June 4, 2015, Petitioner filed a motion to vacate judgment. Doc. 13. On July 6, 2015, Petitioner filed a motion/notice of error reporting that he erroneously captioned the motion to vacate judgment, which he intended to file in a separate matter pending before the U.S. District Court for the Central District of California (No. CV-11-05476), and filed it in this Court. Petitioner now seeks to withdraw the motion to vacate the judgment from the above-entitled case and requests that the Court transfer the motion to the case in the Central District.

Accordingly, the Court hereby strikes the motion to vacate judgment (Doc. 13) from the

1 docket of the above entitled case. The Court declines to transfer the motion to the Central District;
2 Petitioner is directed to refile the motion in the correct case with any supplementary documents or
3 declarations that the Central District may deem necessary. The Clerk of Court is directed to mail to
4 Petitioner a copy of the motion to vacate as recorded in this Court (Doc. 13) along with a copy of
5 this order.

6 IT IS SO ORDERED.

7
8 Dated: July 16, 2015

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE