

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID W. SVETE.

1:15-cv-00098 BAM (PC)

Plaintiff,

ORDER DIRECTING CLERK OF COURT TO
FILE COMPLAINT AS MOTION IN PENDING
HABEAS ACTION AND
ADMINISTRATIVELY CLOSE THIS ACTION

WARDEN,

Defendant.

Plaintiff is a federal prisoner proceeding pro se. Review of the docket reveals that this matter should not have been opened as a separate civil rights action pursuant to 42 U.S.C. § 1983. The underlying complaint is a motion seeking a stay of his pending habeas action, Svete v. Doe, 1:14-cv-02091-LJO-JLT, and should have been filed in that action. Accordingly, the Clerk of the Court shall file the complaint (ECF No. 1) as a motion in the pending habeas action, 1:14-cv-02091-LJO-JLT, and administratively close this section 1983 action.

IT IS SO ORDERED.

Dated: January 28, 2015

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE