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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DANIEL R. LUCAS,

Petitioner,

No. CIV S-07-1470 FCD KJM P

vs.

CLAUDE FINN, Warden,

Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. §2254. Petitioner's petition was filed with the court on July 23, 2007. The court's own records reveal that on July 20, 2007, petitioner filed a request to proceed in forma pauperis in a habeas case and the \$5.00 filing fee for a habeas case; these documents form the basis of Lucas v. Finn, Civ. No. S-07-1455 LEW GGH P.¹ Because it appears that the instant petition was intended to be included with the in forma pauperis application and the fee, this action is duplicative.

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¹ A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir. 1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980).

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IT IS HEREBY ORDERED that:

1. The Clerk of the Court is direct to remove the petition filed July 23, 2007 in this case and file it in Lucas v. Finn, Civ. No. S-07-1455 LEW GGH P; and
2. The Clerk of the Court is directed to close this case.

DATED: July 25, 2007.



U.S. MAGISTRATE JUDGE

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