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

JASON DAVID YONAI,

Petitioner,

No. CIV S-07-2198 LEW KJM P

vs.

WALKER, et al.,

Respondents.

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.

The court's records reveal that petitioner has previously filed an application for a writ of habeas corpus attacking the conviction and sentence challenged in this case. The previous application was filed on April 26, 2006, and was denied on the merits on May 31, 2007. (Civ. No. S-06-897 LKK KJM P.) Before petitioner can proceed with the instant application he must move in the United States Court of Appeals for the Ninth Circuit for an order authorizing the district court to consider the application. 28 U.S.C. § 2244(b)(3).

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IT IS HEREBY ORDERED that:

1. This case is transferred to the United States Court of Appeals for the Ninth Circuit; and
2. The Clerk of the Court is directed to close this case.

DATED: February 8, 2008.



U.S. MAGISTRATE JUDGE

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