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

STACEY D. DYER,

Petitioner,

No. CIV S-08-3090 KJM P

vs.

TINA HORNBECK,

Respondent.

ORDER

_____ /

On August 14, 2008, petitioner filed a letter, asking to toll the statute of limitations to allow her to file a petition for a writ of habeas corpus; this matter was opened as Civ. No. S-08-1917 GGH. The court directed petitioner to file a petition for a writ of habeas corpus.

On December 22, 2008, petitioner filed a petition, which was opened as a new action and assigned it this case number, Civ. No. 08-3090. It appears that the petition should have been filed in the earlier case.

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IT IS THEREFORE ORDERED that:

1. The Clerk of the Court is directed to remove the petition (docket no. 1) filed in this case and file it in Civ. No. S-08-1917 GGH; and
2. The Clerk of the Court is directed to close this case.

DATED: January 16, 2009.



U.S. MAGISTRATE JUDGE

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