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

ANDRE RHODES,

Petitioner,

No. CIV S-10-1444 GGH P

vs.

MIKE McDONALD, Warden,

Respondent.

ORDER

_____ /
Petitioner is a state prisoner proceeding on petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Both parties have consented to the undersigned’s jurisdiction. On November 1, 2010, petitioner filed a motion in this action requesting this court to re-cast a September 27, 2010 judgment dismissing petitioner’s amended complaint with prejudice in the unrelated case of Rhodes v. Sacramento Police Department (No. CV-08-0834 RHW) as a “clerical error.” The undersigned lacks jurisdiction to do any such thing, and petitioner’s motion is patently frivolous. Petitioner is instructed to limit his motions to relevant proceedings in the instant action.

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1 Accordingly, it is HEREBY ORDERED that:

2 1. Petitioner's motion for order of adaptation due to clerical error (Doc. 25) is

3 DENIED.

4 DATED: November 16, 2010

5 /s/ Gregory G. Hollows

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GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

8 GGH:0014
9 rhod1444.ord2

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