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

JAMES DEKALB,

Plaintiff,

No. CIV S-10-1427 GGH P

vs.

MARSH, et al.,

Defendants.

ORDER

Plaintiff, a former county jail inmate proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983. The court is still awaiting plaintiff to submit a proper application to proceed in forma pauperis. Nevertheless, on July 20, 2010, plaintiff filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on the instant docket. Doc. 9.

The undersigned finds it necessary for a new and separate case to be opened based on the petition for writ of habeas corpus. Once the new case is opened the undersigned will make all appropriate orders on that new docket. The civil rights case will continue on this docket.

Good cause appearing, IT IS HEREBY ORDERED that:

1. The Clerk of the Court is directed to:

- a. Open a separate 28 U.S.C. § 2254 action for plaintiff;

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- b. Assign the undersigned magistrate judge and make an appropriate adjustment in the assignment of § 2254 cases to compensate for such assignment;
- c. File and docket a copy of this order in the new separate habeas action;
- d. Place copy of the petition, filed on July 20, 2010, (Doc. 9) and a copy of this order in the additional separate file opened for this plaintiff;
- e. Send plaintiff an endorsed copy of his petition and a copy of this order both in this case and in the newly opened case.

DATED: August 3, 2010

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

GGH: AB
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