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

KENNETH B. POLLARD,

Petitioner,

No. 2:10-cv-3103 KJN P

vs.

PAROLE, RDPD Redding, et al.,

Respondents.

ORDER


_____ /

Petitioner is a state prisoner proceeding without counsel. On February 7, 2011, petitioner filed a motion to reopen the instant action. However, on December 6, 2010, the court found the instant action was opened in error as the proposed petition should have been filed in Case No. 2:10-cv-2545 GEB KJN P.¹ The proposed petition was transferred to the proper case, and the instant action was closed. (Id., Dkt. No. 22.) Accordingly, petitioner’s request to reopen the instant action is improperly filed in this action, and the request is denied. Moreover, on January 18, 2011, petitioner’s application for writ of habeas corpus filed in Case No. 2:10-cv-2545 GEB KJN P, was dismissed based on petitioner’s failure to exhaust state court remedies. (Id., Dkt. No. 22.) Petitioner’s recent filing does not demonstrate exhaustion. Therefore, the undersigned will not transfer petitioner’s filing to Case No. 2:10-cv-2545 GEB KJN P.

¹ A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir. 1986).

1 Accordingly, IT IS HEREBY ORDERED that petitioner's February 7, 2011
2 motion to reopen the instant action (dkt. no. 7) is denied. The court will not respond to any
3 further filings in this closed case.

4 DATED: February 11, 2011

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7 KENDALL J. NEWMAN
8 UNITED STATES MAGISTRATE JUDGE

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