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

KANWALJIT SINGH HUNDAL,

Petitioner,

No. 2:11-cv-2345 LKK JFM (HC)

vs.

J. TIM OCHOA, Warden, et al.,

Respondents.

ORDER

_____ /
This case, filed pursuant to 28 U.S.C. § 2254, is proceeding on the original petition for writ of habeas corpus filed on September 6, 2011. On January 9, 2012, a first amended petition was docketed in this case. See Doc. No. 16. The docket reflects that petitioner also submitted \$5.00 with this amended petition, which was returned to him by the Clerk’s office. See Doc. No. 19. By letter dated January 11, 2012, petitioner contends the docketing of the petition in this case is in error because it should have been filed as a separate, unrelated habeas petition.

The court has reviewed this amended petition and finds that the claim set forth is distinct from the claim in this case. In the original petition, petitioner alleges that his constitutional rights will be violated when the California Department of Corrections and Rehabilitation imposes the residency restrictions of “Jessica’s Law,” Cal. Penal Code

1 § 3003.5(b), when he is released from prison. In the January 9, 2012 “amended” petition,
2 petitioner’s claim is related to the accrual of pre-sentence credits and the length of his
3 incarceration. Because these claims are separate from and unrelated to each other, the court will
4 order the January 9, 2012 petition be stricken and filed as a new case.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. The January 9, 2012 “First Amended Petition” is stricken;
- 7 2. The Clerk of the Court is directed file the January 9, 2012 petition as a new
8 case; and
- 9 3. Within ten days of the date of this order, petitioner is directed to resubmit the
10 \$5.00 filing fee for the new case or file a motion to proceed in forma pauperis.

11 DATED: February 9, 2012.

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14 UNITED STATES MAGISTRATE JUDGE

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