

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSHUA WILLIAM PHILLIPS,  
Petitioner,  
v.  
JOE LIZARRAGA, Warden,  
Respondent.

No. 2:14-cv-1818-KJM-GGH P

ORDER

Petitioner filed a petition for a writ of habeas corpus on August 1, 2014. ECF No. 1. That petition was dismissed without prejudice as a successive petition by Order of the District Judge on October 15, 2014, ECF No. 8, and judgment was entered the same date. ECF No 9. On March 28, 2018 petitioner filed motions to appoint counsel, to “reopen” the case, and for discovery. ECF No. 11.

This action remains successive, and attempting to append a new claim to a successive petition does not render it non-successive. Petitioner is again advised to file a request to file a successive petition with the Ninth Circuit Court of Appeals.

Petitioner’s motions, ECF No. 11 are denied.

Dated: April 10, 2018

/s/ Gregory G. Hollows  
UNITED STATES MAGISTRATE JUDGE