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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 ANTHONY R.G. TURNER,
12 Petitioner,
13 v.
14 EDMUND G. BROWN,
15 Respondents.
16

No. 2:14-cv-2925 CKD P

ORDER

17 Petitioner, a state prisoner proceeding pro se, has filed a document the court construes as a
18 petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner also requests to
19 proceed in forma pauperis.

20 Examination of the in forma pauperis application reveals that petitioner is unable to afford
21 the costs of suit. Accordingly, the application to proceed in forma pauperis will be granted. See
22 28 U.S.C. § 1915(a).

23 A review of court records reveals that petitioner is already proceeding with a petition for
24 writ of habeas corpus challenging the convictions and sentences challenged in this action. See
25 2:13-cv-0454 WBS AC. Petitioner is represented by counsel in that case. This being the case,
26 the court will order that this action be dismissed without prejudice to the filing of motion for
27 leave to amend by petitioner's counsel in 2:13-cv-0454 WBS AC. See Woods v. Carey, 525 F.3d
28 886, 890 (9th Cir. 2008) (habeas petition filed by pro se petitioner in a separate action while

1 petition is pending in a previously filed action should be treated as motion to amend in the
2 original action). The court notes that on December 22, 2014, petitioner's counsel filed a second
3 amended petition in 2:13-cv-0454 WBS AC. The petition in this action was filed on December 5,
4 2014.

5 In accordance with the above, IT IS HEREBY ORDERED that:

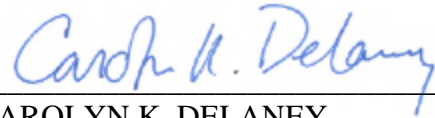
6 1. Petitioner's motion to proceed in forma pauperis (ECF No. 5) is granted;

7 2. This action is dismissed without prejudice as described above;

8 3. A copy of this order shall be served upon petitioner's counsel in 2:13-cv-0454 WBS
9 AC, Ms. Stephanie Adraktas; and

10 4. The Clerk of the Court is directed to close this case.

11 Dated: February 3, 2015



12 CAROLYN K. DELANEY
13 UNITED STATES MAGISTRATE JUDGE
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