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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RONALD DAVE RENTERIA,  
Petitioner,  
v.  
DAVE DAVEY,  
Respondent.

No. 2:17-cv-0784 JAM DB P

ORDER

Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas corpus under 28 U.S.C. § 2254. In an order filed September 20, 2017, the court found petitioner’s claims should be brought in a civil rights action under 42 U.S.C. § 1983. Petitioner was given the option of amending his pleading to present his due process claim in a civil right complaint or voluntarily dismissing this action. (ECF No. 10.) On October 2, 2017, petitioner filed a document entitled “Petitioner’s ‘Objections’ to Magistrate’s Order dated September 20, 2017.” (ECF No. 11.) Therein, petitioner appears to reiterate the bases for his claims.

The court construes petitioner’s October 2 filing as a motion for reconsideration of the court’s September 20 order. Because petitioner presents no grounds for reconsidering the court’s order, his motion will be denied. Petitioner should review the September 20 order and, if he wishes to proceed in a civil rights action in this court, file his claim on the civil rights complaint form provided to him with the September 20 order.

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Accordingly, IT IS HEREBY ORDERED as follows:

1. Petitioner’s October 2, 2017 objections to the court’s September 20 order are denied;
2. Within twenty days of the filed date of this order, petitioner may either file a civil rights complaint as described in the September 20 order or seek dismissal of this action; and
3. Petitioner’s failure to file a complaint or otherwise respond to this order will result in a recommendation that his action be dismissed pursuant to Federal Rule of Civil Procedure 41(b) and Local Rule 110.

Dated: October 5, 2017



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DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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