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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

HOLLIE GARRETT, III,
Petitioner,
v.
LIZARRAGA,
Respondent.

No. 2:17-cv-930-EFB P

ORDER

Petitioner is a state prisoner without counsel seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has filed what appears to be a duplicative petition. On August 15, 2014, he filed an initial petition for writ of habeas corpus in this court. *See Garrett v. Grounds*, No. 2:14-cv-1973-JAM-DB (E.D. Cal.), ECF No. 1. That petition challenges the judgment of conviction entered in the Sacramento County Superior Court, Case No. 09F01253. On December 2, 2014, respondent filed an answer and on December 12, 2016, petitioner filed a traverse and the matter now stands submitted.

On May 2, 2017, petitioner filed the petition in this action, ECF No. 1, which also challenges the judgment of conviction entered in the Sacramento County Superior Court, Case No. 09F01253. “[W]here a new pro se petition is filed before the adjudication of a prior petition is complete, the new petition should be construed as a motion to amend the pending petition rather than as a successive application.” *Woods v. Carey*, 525 F.3d 886, 888-890 (9th Cir. 2008).

