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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE WALLACE,

 Petitioner,

 v.

PEOPLE OF THE STATE OF
CALIFORNIA,

 Respondent.

No. 2: 17-cv-1270 KJN P

ORDER

Petitioner is a state prisoner, proceeding without counsel, with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. In the instant action, petitioner challenges his December 10, 2010 conviction.

Court records reflect that petitioner is presently challenging his December 10, 2010 conviction in another pending action, Wallace v. Barnes, 2: 14-cv-0157 MCE EFB P. It is established that if a new petition is filed when a previous habeas petition is still pending before the district court without a decision having been rendered, then the new petition should be construed as a motion to amend the pending petition. Woods v. Carey, 525 F.3d 886, 888 (9th Cir. 2008). However, the Woods holding will not be extended to a situation where the district court has ruled on the initial petition, and proceedings have begun in the Court of Appeals. Beaty v. Schriro, 554 F.3d 780, 782-83 & n.1 (9th Cir. 2009).

