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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	GEORGE WALLACE,	No. 2: 17-cv-1270 KJN P
12	Petitioner,	
13	v.	<u>ORDER</u>
14	PEOPLE OF THE STATE OF CALIFORNIA,	
15	Respondent.	
16	Kespondent.	
17		
18	Petitioner is a state prisoner, proceeding without counsel, with a petition for writ of habeas	
19	corpus pursuant to 28 U.S.C. § 2254. In the instant action, petitioner challenges his December	
20	10, 2010 conviction.	
21	Court records reflect that petitioner is presently challenging his December 10, 2010	
22	conviction in another pending action, <u>Wallace v. Barnes</u> , 2: 14-cv-0157 MCE EFB P. It is	
23	established that if a new petition is filed when a previous habeas petition is still pending before	
24	the district court without a decision having been rendered, then the new petition should be	
25	construed as a motion to amend the pending petition. Woods v. Carey, 525 F.3d 886, 888 (9th	
26	Cir. 2008). However, the <u>Woods</u> holding will not be extended to a situation where the district	
27	court has ruled on the initial petition, and proceedings have begun in the Court of Appeals. <u>Beaty</u>	
28	v. Schriro, 554 F.3d 780, 782-83 & n.1 (9th Cir. 2009).	

Petitioner's case, 2: 14-cv-0157 MCE EFB P, is pending and the district court has not yet ruled on the initial petition. Therefore, the petition filed in the instant action should be construed as a motion to amend his initial petition, and filed in 2:14-cv-0157 MCE EFB P. Woods, 525 F.3d at 888. Accordingly, IT IS HEREBY ORDERED that: 1. The June 21, 2017 petition (ECF No. 1) should be construed as a motion to amend and filed in petitioner's initial habeas action, 2:14-cv-0157 MCE EFB P; and 2. The Clerk of the Court is directed to file the petition (ECF No. 1) in Case No. 2: 14-cv-0157 MCE EFB P, and to terminate this action. Dated: July 26, 2017 UNITED STATES MAGISTRATE JUDGE Wall1270.ord