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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

GERELL L. WHATLEY,
Petitioner,

No. 2:17-CV-1595-CMK-P

vs.

ORDER

DEBBIE ASCUNCION,
Respondent.

_____ /

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is respondent’s motion (Doc. 10) to construe the instant petition as a motion for leave to amend his pending petition in Whatley v. Ascuncion, E. Dist. Cal. No. 2:17-CV-1487-MCE-EFB. Respondent’s request is granted. See Woods v. Carey, 525 F.3d 886, 889-90 (9th Cir. 2008). The Clerk of the Court is directed to file the petition in this case as a motion for leave to amend in No. 2:17-CV-1487-MCE-EFB and to close the instant action.

IT IS SO ORDERED.

DATED: April 18, 2018



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE