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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY JUNKIN,
Petitioner,
v.
RICK HILL,
Respondent.

No. 2:18-cv-0290 TLN DB P

ORDER

It has come to the court’s attention that petitioner in this habeas action is deceased. If that is the case, the court must dismiss this action. See United States v. Oberlin, 718 F.2d 894, 896 (9th Cir.1983) (actions upon penal statutes do not survive wrongdoer’s death); Burbine v. Scribner, 445 F. App’x 923 (9th Cir. 2011) (death of petitioner moots habeas appeal); see also Spencer v. Kemna, 523 U.S. 1, 7 (1998) (when a habeas petitioner is no longer incarcerated, the habeas petition is moot absent “collateral consequences”). The court will direct the Office of the Attorney General to look into this matter.

Accordingly, IT IS HEREBY ORDERED as follows:

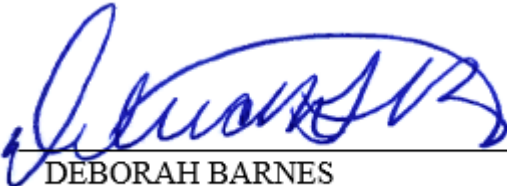
1. The Office of the Attorney General shall determine whether petitioner is, in fact, deceased. If so, within thirty days from the date of this order, an attorney from that office shall file a notice of death.

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2. The Clerk of the Court is directed to serve this order on Supervising Deputy Attorney General Monica Anderson.

Dated: October 29, 2018



DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:9
DLB1/prisoner-habeas/junk0290.notice of death