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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JUSTIN A. MONTGOMERY,
Petitioner,
v.
UNITED STATES OF AMERICA,
Respondent.

No. 2:21-cv-2372 KJN P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. For the reasons stated herein, the Clerk of the Court is directed to close this action and file the petition in petitioner’s federal criminal case, 2:16-cr-0055 KJM.

In his petition, petitioner requests that he appear before “my federal judge to have my probation violation heard while I’m currently serving a state sentence, and have the sentence run concurrent or commenced the day I was incarcerated.” (ECF No. 1 at 3.) Attached to the petition is a detainer based on violation of probation and/or supervised release issued by the United States Marshal on November 30, 2020, in petitioner’s federal criminal case, 2:16-cr-0055 KJM.

The undersigned finds that the request made in the instant petition should be raised in petitioner’s federal criminal case.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court is directed to close this action;
2. The Clerk of the Court is directed to file the petition (ECF No. 1) in petitioner's federal criminal case, 2:16-cr-0055 KJM.

Dated: January 7, 2022


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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