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4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA  
6 EUREKA DIVISION

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8 ALEXIS JOEL AMAYA,  
9 Petitioner,

10 v.

11 SCOTT FRAUENHEIM,  
12 Respondent.

Case No. 17-cv-0108-NJV (PR)

**ORDER DISMISSING CASE**

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14 Petitioner, a California prisoner, filed a pro se petition for a writ of habeas corpus pursuant  
15 to 28 U.S.C. § 2254. He has paid the filing fee. He notes that he has another petition pending in  
16 this court challenging the same conviction. In Case No. 16-cv-5069 NJV, the petition was stayed  
17 so petitioner could exhaust further claims. Exhaustion has not been completed. In this case,  
18 petitioner states that he has new claims he seeks to add. All claims must be brought in the earlier  
19 filed petition. Therefore, this case is dismissed. When petitioner exhausts all of his claims in the  
20 earlier filed petition he may request to amend the petition and add these new claims and the court  
21 will consider his arguments at that time. The new claims must also be exhausted.

22 This case is **DISMISSED**. The clerk shall close this file. Because reasonable jurists  
23 would not find the result here debatable, a certificate of appealability (“COA”) is **DENIED**. *See*  
24 *Slack v. McDaniel*, 529 U.S. 473, 484-85 (2000) (standard for COA).

**IT IS SO ORDERED.**

25 Dated: February 28, 2017

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28 NANDOR J. VADAS  
United States Magistrate Judge