

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SALVATORE GRAFFAGNINO,) No. C 07-3729 JSW (PR)
Petitioner,)
vs.)
BEN CURRY, Warden,)
Respondent.)

**ORDER DISMISSING PETITION
FOR A WRIT OF HABEAS
CORPUS**

This is a petition for a writ of habeas corpus brought pro se by a state prisoner pursuant to 28 U.S.C. § 2254, filed on July 19, 2007. However, it appears that Petitioner inadvertently filed two petitions, as the Court has examined an earlier petition, filed under Case No. C 07-3728 JSW (PR), and found that it is identical to this one.

Accordingly, the instant petition is DISMISSED and the earlier petition will remain open. Petitioner is advised that he must include the proper docket number from that case, C 07-3728 JSW (PR), on all future correspondence with the Court related to this matter. The Clerk shall close the file and enter judgment in this matter.

IT IS SO ORDERED.

DATED: August 3, 2007

Jeffrey S. White
JEFFREY S. WHITE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SALVATORE GRAFFAGNINO,

Case Number: CV07-03729 JSW

Plaintiff,

CERTIFICATE OF SERVICE

V.

BEN CURRY et al.

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 3, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Salvatore Graffagnino
E89844
P.O. Box 705
Soledad, CA 93960-0705

Dated: August 3, 2007

Richard W. Wiekking, Clerk
By: Jennifer Ottolini, Deputy Clerk

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