

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

GARY B. MOORE,)	No. C 09-01639 JW (PR)
)	
Petitioner,)	ORDER OF DISMISSAL
)	
vs.)	
)	
ANTHONY HEDGPETH,)	
)	
Respondent.)	
_____)	(Docket Nos. 3 & 4)

On April 14, 2009, petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the constitutionality of his sentence following a jury trial finding him guilty of first degree burglary, which was filed as case number C09-01634 JW (PR). On the same day, petitioner filed the instant petition challenging the constitutionality of the trial proceedings. Both petitions challenge the same conviction and sentence.

Accordingly, the instant petition is DISMISSED and the earlier petition will remain open. The clerk shall file a copy of the petition and all attachments thereto from the instant action in the earlier action as a “SUPPLEMENTAL PETITION.” Petitioner is advised that he must include the proper docket number from that case, C 09-01634 JW (PR) on all future correspondence with the Court.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The clerk shall terminate any pending motions (Docket Nos. 3 & 4) and close the file.

DATED: August 13, 2009



JAMES WARE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

GARY BERNARD MOORE,
Petitioner,

Case Number: CV09-01639 JW

CERTIFICATE OF SERVICE

v.

ANTHONY HEDGPETH,
Respondent.

_____/

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 8/14/2009, 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.

Gary Bernard Moore F17016
Kern Valley State Prison
P. O. Box 5104
Delano, Ca 93216

Dated: 8/14/2009

Richard W. Wiekling, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk