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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EBER GENE RUTH,

No. C 09-1861 SI (pr)

Petitioner,

JUDGMENT

v.

PEOPLE OF THE STATE OF
CALIFORNIA,


Respondent.

_____ /

This action is dismissed without prejudice to petitioner filing a petition in this court after he obtains the necessary order from the appellate court permitting him to file a second or successive petition.

IT IS SO ORDERED AND ADJUDGED.

DATED: May 5, 2010



SUSAN ILLSTON
United States District Judge

United States District Court
For the Northern District of California