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

MARION CEDRIC STARKS,)	C 10-0062 MMC(PR)
)	
Petitioner,)	ORDER ADMINISTRATIVELY
)	CLOSING CASE; DIRECTIONS TO
vs.)	CLERK
)	
MICHAEL HENNESSEY,)	
)	
Respondent.)	
_____)	

On January 6, 2010, the instant action was opened when petitioner, a California prisoner proceeding pro se, sent to the court a habeas corpus petition. A review of the petition shows that it is identical to an earlier petition filed in this court by petitioner on December 30, 2009. See Starks v. Hennessey, No. C 09-6073 MMC (PR). Accordingly, as the instant action was erroneously opened when petitioner sent a hand-written copy of his earlier petition to the court, the Clerk of the Court is hereby DIRECTED to administratively close the case and to terminate all pending motions.

Because the instant action was opened in error, no filing fee is due.

IT IS SO ORDERED.

DATED: January 21, 2010


 MAXINE M. CHESNEY
 United States District Judge

United States District Court
For the Northern District of California