

United States District Court
For the Northern District of California

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

BARTH DENNIS CAPELA,

Petitioner,

v.

BOB HOREL, Warden,

Respondent.

No. C 07-04734 SBA (PR)

**ORDER DENYING PETITIONER'S
MOTION TO AUGMENT THE RECORD
AS UNNECESSARY**

(Docket no. 9)

Petitioner has filed a motion to augment the record to include a letter from Petitioner to the trial court judge (docket no. 9). Attached to his motion is the aforementioned letter, dated April 27, 2004, and labeled "Exhibit H."

Petitioner's Exhibit H is already included in the record as part of Respondent's Exhibit 1. See Resp't Ex. 1, Clerk's Tr., Vol. 2 at 247.) Accordingly, Petitioner's motion is DENIED as unnecessary.

This Order terminates Docket no. 9.

IT IS SO ORDERED.

DATED: 3/13/09


SAUNDRA BROWN ARMSTRONG
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

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6 BARTH DENNIS CAPELA,
7 Plaintiff,

Case Number: CV07-04734 SBA
CERTIFICATE OF SERVICE

8 v.

9 BOB HOREL et al,

10 Defendant.
_____ /

11
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District
Court, Northern District of California.

13 That on March 16, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
15 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
located in the Clerk's office.

16
17 Barth Dennis Capela V-58262
18 California Training Facility
CTF Central
19 P.O. Box 689
Soledad, CA 93960

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21 Dated: March 16, 2009

Richard W. Wiekling, Clerk
By: LISA R CLARK, Deputy Clerk

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