

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

LAMOS W. STURGIS,  
Petitioner,

No. C 08-05444 SBA (PR)

**ORDER OF DISMISSAL**

v.

THERESA MCLAUGHLIN,  
Respondent.

Petitioner, a state prisoner, filed this pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner has also filed an application to proceed in forma pauperis (IFP).

Petitioner has a pending habeas action with this Court challenging the same conviction and raising the same claims as in the instant petition. See Case No. C 08-4672 SBA (PR). Accordingly, the instant petition is DISMISSED as a duplicate petition to Case No. C 08-4672 SBA (PR). The Court has rendered its final decision on this matter; therefore, this Order TERMINATES Plaintiff's case.

The Court directs the Clerk of the Court to refile the petition in this action (docket no. 1) as a supplement to the federal habeas petition in Case No. C 08-4672 SBA (PR). The Court will review Petitioner's claims in a separate written Order in Case No. C 08-4672 SBA (PR).

Plaintiff's IFP application (docket no. 2) is GRANTED. The Clerk shall terminate all pending motions and close the file.

IT IS SO ORDERED.

DATED: 1/9/09

  
SAUNDRA BROWN ARMSTRONG  
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

LAMOS W. STURGIS,  
Plaintiff,

Case Number: CV08-05444 SBA

**CERTIFICATE OF SERVICE**

v.

CONTRA COSTA DISTRICT ATTORNEY 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 January 9, 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.

Lamos Wayne Sturgis F-28185  
Contra Costa County Detention Facility  
#2008011464  
901 Court Street  
Martinez, CA 94553

Dated: January 9, 2009

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