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

ROBERT J. ELLIS,
Petitioner,
v.
M. C. KRAMER, Warden,
Respondent.

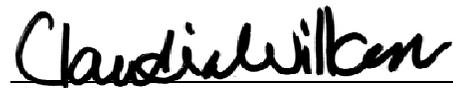
No. C 09-00728 CW (PR)
ORDER OF DISMISSAL

Petitioner, a state prisoner, filed this pro se petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. He also seeks leave to proceed in forma pauperis.

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 09-0351 CW (PR). Accordingly, the instant petition is dismissed as a duplicate petition to Case No. C 09-0351 CW (PR). Petitioner's application to proceed in forma pauperis is GRANTED. The Clerk of the Court shall terminate all pending motions (docket no. 4) and close the file.

IT IS SO ORDERED.

Dated: 8/24/09



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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

4 ROBERT J. ELLIS,
5 Plaintiff,

Case Number: CV09-00728 CW

CERTIFICATE OF SERVICE

6 v.

7 M.C. KRAMER et al,
8 Defendant.

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

11 That on August 24, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
14 in the Clerk's office.

15 Robert J. Ellis P35156
16 CSP-Old Folsom
17 2-A3-15
18 P.O. Box 715071
19 Represa, CA 95671

20 Dated: August 24, 2009

21 Richard W. Wiekling, Clerk
22 By: Sheilah Cahill, Deputy Clerk
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