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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 GENE PAUL WOODHAM,
12 Petitioner,

No. C 09-02933 CW (PR)

ORDER OF DISMISSAL

13 v.

14 A. HEDGEPEETH,
15 Respondent.
16 _____/

17 On June 14, 2009, Petitioner filed a petition for a writ of
18 habeas corpus in this Court. See Woodham v. Hedgepeth, C 09-
19 2644 CW (PR). On June 30, 2009, Petitioner filed the instant
20 petition, which appears to be a duplicate of the petition filed in
21 his other federal habeas action. The Clerk of the Court filed the
22 instant petition as a new habeas action (this action).

23 The present action was opened in error. The Court orders the
24 Clerk of the Court to refile the petition in this action as a
25 supplement to the federal habeas petition in action C 09-2644 CW
26 (PR). The Clerk of the Court is also directed to file Petitioner's
27 request for leave to proceed in forma pauperis (IFP) as a document
28 filed in action C 09-2644 CW (PR).

1 Therefore, this case will be closed as opened in error, and
2 this action is DISMISSED WITHOUT PREJUDICE as duplicative of action
3 C 09-2644 CW (PR). The Court will review Petitioner's claims as
4 well as his IFP application in a separate written Order in action
5 C 09-2644 CW (PR).

6 The Clerk of the Court shall close the file. No filing fee is
7 due.

8 IT IS SO ORDERED.

9 8/24/09

10 Dated: _____



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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

4 GENE PAUL WOODHAM,

5 Plaintiff,

6 v.

7 A HEDGEPEETH et al,

8 Defendant.

Case Number: CV09-02644 CW

CERTIFICATE OF SERVICE

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 Gene P. Woodham C-67944
16 Salinas Valley State Prison
17 P.O. Box 1050
18 Soledad, CA 93960-1050

19 Dated: August 24, 2009

20 Richard W. Wieking, Clerk
21 By: Sheilah Cahill, Deputy Clerk
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