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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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GENE PAUL WOODHAM, No. C 09-02933 CW (PR)
Petitioner, ORDER OF DISMISSAL
v.
A. HEDGEPETH,
Respondent.

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

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

8 / 24 / 09

Dated: _____

Claudia Wilken

CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

GENE PAUL WOODHAM,

Plaintiff,

Case Number: CV09-02644 CW

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A HEDGEPETH et al,

Defendant.

CERTIFICATE OF SERVICE

A HEDGEPETH 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 August 24, 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.

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

Dated: August 24, 2009

Richard W. Wiking, Clerk
By: Sheilah Cahill, Deputy Clerk