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

JAMAL T. EVERETT,

Petitioner,

v.

M. D. McDONALD, Warden,

Respondent.

No. C 11-4336 CW (PR)

ORDER DISMISSING CASE;
DIRECTING CLERK TO
REFILE PETITION IN
CASE NO. C 10-4323 CW (PR)

_____ /

The Clerk of the Court erroneously opened this case when Petitioner filed a document entitled, "Petition for Writ of Habeas Corpus," which is related to his other pending action, Everett v. McDonald, No. C 10-4323 CW (PR). Specifically, Petitioner's other pending action is a habeas action that has been stayed pending Petitioner's exhaustion of state remedies. Petitioner has been directed in that action to keep the Court apprised of the status of his exhaustion efforts in state court. The petition filed in the present case is a copy of a petition that Petitioner recently filed in the Alameda County Superior Court; Petitioner explains in a letter attached to the petition that he is sending the petition to this Court to show that he is in the process of exhausting state remedies.

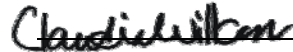
Accordingly, the Court directs the Clerk to refile the present Petition for Writ of Habeas Corpus (docket no. 1) in Case No. C 10-4323 CW (PR) as a "Status Report."

1 This case is DISMISSED because it was opened in error. No
2 filing fee is due.

3 The Clerk shall close the file.

4 IT IS SO ORDERED

5
6 Dated: 9/9/2011



CLAUDIA WILKEN

UNITED STATES DISTRICT JUDGE

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

4 JAMAL EVERETT,

Case Number: CV11-04336 CW

6 Plaintiff,

CERTIFICATE OF SERVICE

7 v.

9 M.D. MCDONALD 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
13 Court, Northern District of California.

14 That on September 9, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
16 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located
17 in the Clerk's office.

18
19 Jamal Everett G41163
20 BED 3B03 240 UP
21 Corcoran State Prison
22 P.O. Box 3466
23 Corcoran, CA 93212

24 Dated: September 9, 2011

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk