

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 WILLIAM CECIL THORNTON,

No. C 11-05091 CW (PR)

4 Petitioner,

ORDER DISMISSING ACTION AS
DUPLICATIVE; DENYING AS MOOT
APPLICATION TO PROCEED IN FORMA
PAUPERIS

5 v.

(Docket no. 2)

6 MATTHEW CATE; ATTORNEY GENERAL OF
THE STATE OF CALIFORNIA,

7 Respondents.

8 _____/

9 Petitioner, a state prisoner currently incarcerated at the
10 Correctional Training Facility at Soledad (CTF), filed the instant
11 petition for a writ of habeas corpus under 28 U.S.C. § 2254,
12 challenging conditions of his parole that require him to register
13 as a sex offender. Specifically, Petitioner, who currently is in
14 custody because of a violation of parole terms set in connection
15 with a conviction obtained in the San Diego County Superior Court,
16 maintains that he should not be required to register as a sex
17 offender because such requirement is based on an expired 1990
18 Tennessee conviction for domestic violence.19
20 Although not mentioned in the petition, the Court takes
21 judicial notice of records from the United States District Court
22 for the Southern District of California, where Petitioner currently
23 has several habeas corpus actions pending. In particular, the
24 Court takes judicial notice of Thornton v. Strainer, Case No. C 11-
25 00190 LAB (JMA), filed by Petitioner in the Southern District on
26 January 27, 2011, in which Petitioner challenges the Tennessee
27 conviction and the California requirement that he register as a sex
28 offender. Matthew Cate, Secretary of the California Department of

1 Corrections and Rehabilitation, is the respondent in that petition
2 and, as of October 24, 2011, the petition has been fully briefed.

3 Additionally, the Court takes judicial notice of Thornton v.
4 Strainer, Case No. C 11-01485 BEN (WMc), filed by Petitioner in the
5 Southern District on July 1, 2011, in which Petitioner similarly
6 challenged the sex offender registration requirement. That case
7 was dismissed on July 20, 2011, as duplicative of C 11-00190.

8 Because it is clear that Petitioner currently is pursuing in
9 the Southern District the same claims he raises in the instant
10 petition, this petition is DISMISSED as duplicative.

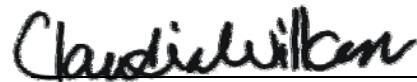
11 Additionally, because Petitioner has been granted leave to
12 proceed in forma pauperis in the Southern District, his motion to
13 proceed in forma pauperis in this action is DENIED as moot. No
14 filing fee is due.

15 The Clerk of the Court shall enter judgment and close the
16 file.

17 This Order terminates Docket no. 2.

18 IT IS SO ORDERED.

19 Dated: 10/27/2011



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM CECIL THORNTON,
Plaintiff,
v.
MATTHEW CATE et al.,
Defendant.

Case Number: CV11-05091 CW

CERTIFICATE OF SERVICE

MATTHEW CATE 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 October 27, 2011, 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.

William Cecil Thornton V64547
Correctional Training Facility
P.O. Box 705
Soledad, CA 93960

Dated: October 27, 2011

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