

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
5 DUPLICATIVE; DENYING AS MOOT
APPLICATION TO PROCEED IN FORMA
6 PAUPERIS

7 v.

8 MATTHEW CATE; ATTORNEY GENERAL OF
9 THE STATE OF CALIFORNIA,

(Docket no. 2)

10 Respondents.
11 _____/

12 Petitioner, a state prisoner currently incarcerated at the
13 Correctional Training Facility at Soledad (CTF), filed the instant
14 petition for a writ of habeas corpus under 28 U.S.C. § 2254,
15 challenging conditions of his parole that require him to register
16 as a sex offender. Specifically, Petitioner, who currently is in
17 custody because of a violation of parole terms set in connection
18 with a conviction obtained in the San Diego County Superior Court,
19 maintains that he should not be required to register as a sex
20 offender because such requirement is based on an expired 1990
21 Tennessee conviction for domestic violence.

22 Although not mentioned in the petition, the Court takes
23 judicial notice of records from the United States District Court
24 for the Southern District of California, where Petitioner currently
25 has several habeas corpus actions pending. In particular, the
26 Court takes judicial notice of Thornton v. Strainer, Case No. C 11-
27 00190 LAB (JMA), filed by Petitioner in the Southern District on
28 January 27, 2011, in which Petitioner challenges the Tennessee
conviction and the California requirement that he register as a sex
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

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

4 WILLIAM CECIL THORNTON,

5 Plaintiff,

6 v.

7 MATTHEW CATE et al,

8 Defendant.

Case Number: CV11-05091 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 October 27, 2011, 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 William Cecil Thornton V64547
16 Correctional Training Facility
17 P.O. Box 705
18 Soledad, CA 93960

19 Dated: October 27, 2011

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