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E-FILED - 9/11/08

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

GILBERTO JUAREZ,
Petitioner,

vs.

DIRECTOR OF CORRECTIONS,
Respondent.

No. C 05-0019 RMW (PR)

ORDER DENYING MOTION TO
DISMISS ON DOUBLE JEOPARDY
GROUND

(Docket No. 49)

Petitioner, a California prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petition has been dismissed as untimely. Petitioner has filed, for the third time, a motion “to dismiss on double jeopardy grounds.” This motion is duplicative of his prior motions, and does not raise any basis for reconsideration of the dismissal of the petition on untimeliness grounds. Accordingly, the “motion for dismissal on double jeopardy grounds” (docket no. 49) is DENIED.

IT IS SO ORDERED.

DATED: 9/10/08

Ronald M. Whyte

RONALD M. WHYTE
United States District Judge