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E-FILED - 11/21/08

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

UNITED STATES OF AMERICA,
Plaintiff-Respondent,
v.
MARIO CEJA MAGANA,
Defendant-Petitioner.

CASE NOS. C-05-05315-RMW (PR)
CR-96-20057-RMW

ORDER DENYING MOTION UNDER 28
U.S.C. § 2255 TO VACATE, SET ASIDE
OR CORRECT SENTENCE

Mario Ceja Magana filed a motion under 28 U.S.C. § 2255 to vacate, set aside or correct his sentence on December 21, 2005. The motion is directed to the Honorable William A. Ingram who presided at Magana's trial but has since passed away. The § 2255 motion was assigned to the undersigned. Magana filed an earlier motion under § 2255 which was denied by order of this court dated November 6, 2000 (C-00-20746). Therefore, the subject petition is a second petition for which Magana was required to get Ninth Circuit authorization to file. The subject petition sets forth no grounds for relief. Nevertheless, Magana got permission to file a second petition from the Ninth Circuit which the court has to assume was an amended version of the subject motion filed December 21, 2005. The motion filed pursuant to Ninth Circuit authority received a different file number (C-06-03064) and was denied by order of this court filed November 20, 2008. Therefore, no further action appears necessary by this court. However, if the December 21, 2005 filing is not the original version of the motion given the C-06-03064 number, it is denied as a successive

ORDER REQUIRING RESPONSE
CASE NOS. C-06-03064-RMW (PR); CR-96-20057-RMW

1 petition and because it states no grounds for relief.

2 The clerk may close this file.

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4 DATED: 11/20/08

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RONALD M. WHYTE
United States District Judge

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Copy of Order mailed on 11/21/08 to:

Jeffrey D. Nedrow
Assistant United States Attorney
280 South First Street
San Jose, CA 95113

Attorney for Plaintiff-Respondent United States of America

Mario Ceja Magana
Reg. No. 00343-111
FCI Ashland
P.O. Box 6001
Ashland, Kentucky 41105

Defendant-Petitioner in Pro Se