Cavitt v. Woodford Case 5:07-cv-02705-JF Document 4 Filed 05/31/2007 Page 1 of 3 **E-filed 5/31/07** 1 2 3 4 5 6 7 8 NOT FOR CITATION 9 IN THE UNITED STATES DISTRICT COURT 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA 11 12 JAMES FREDDIE CAVITT, No. C 07-2705 JF (PR) 13 ORDER CORRECTING 14 Petitioner, ERRONEOUS FILING; CLOSING CASE; INSTRUCTIONS TO VS. 15 CLERK JEANNE S. WOODFORD, 16 17 Respondent. 18 19 Petitioner, a state prisoner, proceeding <u>pro</u> <u>se</u>, filed a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on May 22, 2007. Petitioner enclosed a letter to the Court 20 with the instant petition, stating that he enclosed a copy of his petition that he filed in the 21 California Supreme Court on April 27, 2007. The Court notes that Petitioner has an 22 earlier filed habeas action which is stayed pending exhaustion of his additional claim in 23 the state supreme court, case no C 05-3064 JF (PR). It appears that the instant petition 24 25 was mistakenly received and opened as a new case in the instant action, rather than in 26 Petitioner's earlier habeas action in case no. C 05-3064 JF (PR). 27 /// 28 /// Order Correcting Erroneous Filing; Closing Case; Instructions to Clerk P:\pro-se\sj.jf\hc.07\Cavitt705close

Doc. 4

Accordingly, the Clerk is instructed to copy all documents from the instant case and transfer the documents to Petitioner's earlier filed habeas action in case number C 05-3064 JF (PR). Because the instant case was opened erroneously, the Court will dismiss the instant habeas action without prejudice. The Clerk shall close the file and terminate any pending motions. No filing fee is due.

It is Petitioner's responsibility to prosecute this case. Petitioner is reminded that all communications with the Court must be served on Respondent by mailing a true copy of the document to Respondent's counsel. Petitioner must keep the Court and all parties informed of any change of address by filing a separate paper captioned "Notice of Change of Address." He must comply with the Court's orders in a timely fashion.

IT IS SO ORDERED.

5/31/07 DATED: _

> trict Judge United States Di

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1	A copy of this order was mailed to the following:			
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3	James Freddie Cavitt			
4	K-81900 Correctional Medical Facility			
5	Correctional Medical Facility P.O. Box 2000 Vacaville, CA 95696			
6	Juliat D. Haylay			
7	Juliet B. Hayley CA State Attorney General's Offi 455 Golden Gate Avenue	ice		
8	Suite 11000 San Francisco, CA 94102-7004			
9	Suil Funcisco, CFF 74102 7004			
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