

United States District Court
For the Northern District of California

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E-FILED - 9/30/09

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

HECTOR ARTHUR OROPEZA,
Petitioner,
v.
ROBERT K. WONG, Warden,
Respondent.

No. C 09-1871 RMW (PR)
ORDER DENYING MOTION TO
RECONSIDER COURT'S DISMISSAL AS
MOOT

(Docket No. 9)

Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On July 6, 2009, the court dismissed petitioner's habeas action for failure to pay the filing fee. The petitioner paid the filing fee on May 19, 2009, but due to a docketing error, the fee was not docketed until July 30, 2009. In view of this, the court sua sponte vacated the dismissal and reopened the case on August 7, 2009. (Docket No. 8.)

On August 17, 2009, petitioner filed a motion to reconsider the dismissal for failure to pay the filing fee. Petitioner also requested permission to file a successive petition. Because the court has already re-opened petitioner's case, petitioner's motion to reconsider the court's dismissal (docket no. 9) and request for successive petition are DENIED as moot.

This order terminates docket no. 9.

IT IS SO ORDERED.

Dated: 9/29/09


RONALD M. WHYTE
United States District Judge