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United States District Court
For the Northern District of California

NOT FOR CITATION
IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSE BALTAZAR ORTIZ,

Petitioner,

vs.

M. D. McDONALD,

Respondent.

No. C 10-04624 JF (PR)

ORDER OF DISMISSAL

Petitioner, a state prisoner proceeding pro se, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his state conviction. It is clear from the contents of the petition that it pertains to a previously opened habeas action under Case No. C 05-03067 JF (PR). Accordingly, this case is DISMISSED as being opened in error.

The Clerk shall file all documents in this action into Case No. C 05-03067 JF (PR), terminate all pending motions, and close this action.

IT IS SO ORDERED.

DATED: 2/4/11



JEREMY FOGEL
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOSE BALTAZAR ORTIZ,
Petitioner,

Case Number: CV10-04624 JF

CERTIFICATE OF SERVICE

v.

M. D. MCDONALD,
Respondent.

_____ /

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on 2/17/11, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Jose Baltazar Ortiz T-58897
High Desert State Prison
P.O. Box 3030
Susanville, CA 96127

Dated: 2/17/11

Richard W. Wieking, Clerk