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NOT FOR CITATION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

JAMES EDWARD THOMAS,)	No. C 12-1052 LHK (PR)
)	
Petitioner,)	ORDER OF DISMISSAL
)	
vs.)	
)	
WARDEN SUSAN HUBBARD,)	
)	
Respondent.)	

On November 9, 2011, this Court dismissed Petitioner’s federal petition for writ of habeas corpus in Case No. 10-0591 LHK for failing to choose to either dismiss his unexhausted claim and proceed with only his exhausted claims, or dismiss the entire action and return to state court to exhaust all his claims. On December 16, 2011, Petitioner re-filed a federal petition for writ of habeas corpus in Case No. 10-0591 LHK, stating that he had exhausted his state court remedies. The Court removed Petitioner’s re-filed petition from Case No. 10-0591 LHK, and filed it in this new, underlying action in Case No. 12-1052 LHK. On February 29, 2012, Petitioner filed another federal writ of habeas corpus, which opened another action, in Case No. 12-1019 LHK.

A review of the petitions in Case Nos. 12-1052 LHK and 12-1019 LHK reveals that Petitioner has raised the same four claims. It appears that Petitioner may not have been aware

1 that his December 16, 2011 petition, originally filed in Case No. 10-0591 LHK, commenced a
2 new action, and thus, he filed another petition. Based on a review of the pleadings in both the
3 underlying case and Case No. 12-1019 LHK, the instant action is DISMISSED as duplicative
4 and unnecessary. The Clerk shall close the file.

5 IT IS SO ORDERED.

6 DATED: 4/9/12


LUCY H. KOH
United States District Judge

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