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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

CARLOS ESCAMILLA, <div style="text-align: right;">Petitioner,</div> vs. GEORGE GIURBINO, Warden, <div style="text-align: right;">Respondent.</div>		CASE NO. 05-CV-1936-H (BLM) ORDER DENYING LEAVE TO AMEND HABEAS PETITION TO BRING 42 U.S.C. § 1983 CLAIMS
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Petitioner Carlos Escamilla, proceeding *pro se*, filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 on October 11, 2005. (Doc. No. 1.) In his petition, he challenged the results of a prison disciplinary proceeding. Respondent has answered the petition and Petitioner has filed a traverse. (Doc. Nos. 9 & 12.) On October 27, 2006, the Court received an amended complaint from Petitioner in which he seeks to transform his habeas petition into a civil rights action under 42 U.S.C. § 1983. The Court has denied Petitioner's habeas corpus petition, however, and directed the Clerk of the Court to close the case. Accordingly, should Petitioner wish to file a complaint alleging violations of 42 U.S.C. § 1983, he must file a new civil case and submit the required filing fee or submit a proper request to proceed in forma pauperis.

IT IS SO ORDERED.
DATED: November 7, 2006


MARILYN L. HUFF, District Judge
UNITED STATES DISTRICT COURT

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