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

BRIAN STEVEN MCNEAL,

Petitioner,

v.

OCTAVIO CARLOS LUNA,

Respondent.

Civil No. 07-CV-00251 JM (BLM)

**ORDER DISMISSING ACTION
WITHOUT PREJUDICE**

On September 5, 2006, Petitioner Brian Steven McNeal submitted a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 in the United States District Court for the Central District, challenging his state court criminal proceedings. He also filed a request to proceed in forma pauperis. On January 25, 2007, the court in the Central District order the case transferred to this Court.

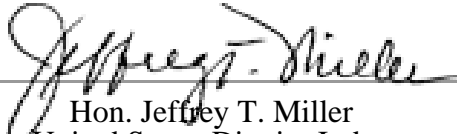
Petitioner has been declared a vexatious litigant in this Court after having filed at least 35 cases in this Court challenging the same proceedings. (*See* Order filed 5/8/06 in SO. DIST. CA. CASE NO. 06mc226 IEG at 1.) Petitioner has been enjoined from filing further civil actions in this Court challenging those proceedings unless he requests and receives prior permission of the Court. (*Id.* at 4.) Petitioner is required to seek such permission by filing a “Motion for Leave to File” bearing Case No. 06mc226-IEG, which attaches a copy of any proposed pleading and sets forth the basis upon which he

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1 asserts this Court has jurisdiction over his claims. (*Id.*) This action is therefore **DISMISSED** without
2 prejudice to Petitioner to follow those procedures. The request to proceed in forma pauperis is
3 **DENIED** as moot.

4 **IT IS SO ORDERED.**

5 DATED: February 16, 2007

6 
7 Hon. Jeffrey T. Miller
United States District Judge

8 cc: All Parties

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