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UNITED STATES DISTRICT COURT

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SOUTHERN DISTRICT OF CALIFORNIA

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BENNIE DIXON,

) Case No. 08cv1764-JM(BLM)

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) Petitioner,

) **ORDER: (1) GRANTING MOTION TO**

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) v.

) **AMEND/CORRECT NOTICE OF**) **APPEARANCE (Doc. No. 38),**

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) DERRAL G. ADAMS, Warden, et

) **(2) STRIKING PRIOR NOTICE OF**) **APPEARANCE (Doc. No. 37),**

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) al.,

) **(3) ACCEPTING TRAVERSE (Doc.**) **No. 39), AND (4) STRIKING**

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) Respondents.

) **PRIOR TRAVERSE (Doc. No. 35)**

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) Petitioner initiated this action *in pro per* and filed his

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) First Amended Complaint in that capacity. Respondents filed an

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) answer to that complaint and, on October 16, 2009, Petitioner filed

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) a timely traverse.

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) On October 29, 2009, Petitioner obtained counsel. See Doc.

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) No. 38, Ex. 1. Counsel entered an appearance on Petitioner's behalf

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) on November 2, 2009.¹ Petitioner's counsel then filed a timely

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¹ Petitioner's counsel filed a Notice of Appearance (Doc. No. 37) and then filed a Motion to Amend/Correct Notice of Appearance (Doc. No. 38), which appears to correct the name of the Respondent warden. The Court hereby **GRANTS** Respondents' motion and orders the Clerk of Court to **STRIKE** the initial notice (Doc. No. 37) from the record.

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1 traverse on November 4, 2009.²

2 Petitioner can have only one operable traverse. Because
3 Petitioner obtained counsel after filing his *pro se* traverse, the
4 Court accepts the latest traverse filed by counsel as the operable
5 traverse and orders the *pro se* traverse (Doc. No. 35) **STRICKEN** from
6 the record.

7 **IT IS SO ORDERED.**

8 DATED: November 4, 2009

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10 BARBARA L. MAJOR
11 United States Magistrate Judge
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27 _____
28 ² By order dated August 27, 2009, this Court granted Petitioner until
November 4, 2009, to file a traverse. Doc. No. 33.