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

MATTHEW A. LAWRIE,

Petitioner,

v.

HEDGEPETH, Warden, et al.,

Respondents.

Civil No. 10cv1076 JM (WMC)

**ORDER DISMISSING CASE AS
DUPLICATIVE OF CASE NO. 10cv1034
DMS (PCL)**


Petitioner, a state prisoner proceeding pro se, has submitted a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254.

The Court may dismiss a duplicative petition as frivolous if it “merely repeats pending or previously litigated claims.” *Cato v. United States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995) (citations omitted). Here, Petitioner has filed two identical petitions with this Court. The Petition in this case was filed on May 17, 2010. An identical petition was filed in case number 10cv1034 on May 12, 2010.

Based on the foregoing, the Court **DISMISSES** this case because the Petition in this case is duplicative of that filed in case number 10cv1034. The Clerk shall close the file.

IT IS SO ORDERED.

DATED: May 26, 2010


Hon. Jeffrey T. Miller
United States District Judge