

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

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

SONNARY TINA CHHIM,		Civil 13-1050 GPC (JMA) No.
Petitioner,		ORDER:
v.		(1) DISMISSING THIS CASE WITHOUT PREJUDICE AND WITHOUT LEAVE TO AMEND; and
DEBRA JOHNSON, Warden,		(2) DENYING APPLICATION TO PROCEED IN FORMA PAUPERIS AS MOOT
Respondent.		

Petitioner, a state prisoner proceeding pro se, submitted a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis in the United States District Court for the Central District of California on April 2, 2013. On April 30, 2013, the case was transferred to this Court. (ECF No. 6.)

In the present case, Petitioner seeks to challenge her January 21, 2010, conviction in San Diego Superior Court case number SCD210509 on four grounds. (*See* ECF No. 1.) Petitioner also filed a petition for writ of habeas corpus in this Court on April 22, 2013, challenging the same conviction on the same four grounds and five additional grounds. (*See* So. Dist. Cal. Civil Case No. 13cv0961 LAB (KSC), ECF No. 1.) In 13cv0961 LAB (KSC), the Court dismissed the case without prejudice and with leave to amend on April 25, 2013, because Petitioner had failed to satisfy the filing fee

1 requirement and had failed to allege exhaustion of her state court remedies with regard
2 to all claims in the petition. (See Order dated Apr. 25, 2013, in So. Dist. Cal. Civil Case
3 No. 13cv0961 LAB (KSC), ECF No. 2.) In case number 13cv0961 LAB (KSC),
4 Petitioner was given until June 24, 2013, to either pay the \$5.00 filing fee or submit
5 adequate proof of her inability to pay the fee, and to choose one of the four options
6 outlined in that Order. (See ECF No. 2 in case no. 13cv0961 LAB (KSC).) On June 11,
7 2013, Petitioner paid the \$5.00 filing fee, and on August 8, 2013, the Court granted
8 Petitioner an extension of time to respond to the options order. (See ECF Nos.3-4 in case
9 no. 13cv0961 LAB (KSC).) Petitioner's response is due August 28, 2013. (*Id.*)

10 Because Petitioner already has a pending case in this Court which seeks to
11 challenge her January 21, 2010, conviction in San Diego Superior Court case number
12 SCD210509, the Court **DISMISSES** this case without prejudice to Petitioner pursuing
13 her claims in 13cv0961 LAB (KSC). Petitioner is advised that if she wishes to challenge
14 her conviction on grounds additional to the ones already raised in the petition filed
15 in 13cv0961 LAB (KSC), she must file an amended petition in that case. The Clerk shall
16 close the file.

17 **IT IS SO ORDERED.**

18
19 DATED: August 8, 2013

20 
21 HON. GONZALO P. CURIEL
22 United States District Judge
23
24
25
26
27
28