

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

NOV 16 2017

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

DOUGLAS HARRY WARENBACK,

Applicant,

v.

BRIAN E. WILLIAMS, Warden,

Respondent.

No. 17-72096

D.C. No. 2:15-cv-01789-APG  
District of Nevada,  
Las Vegas

ORDER

Before: CANBY, TROTT, and GRABER, Circuit Judges.

The application for authorization to file a second or successive 28 U.S.C. § 2254 habeas corpus petition in the district court is denied as unnecessary because the applicant has a section 2254 habeas petition currently pending before the United States District Court for the District of Nevada in case number 2:15-cv-01789-APG-VCF. *See Goodrum v. Busby*, 824 F.3d 1188, 1194-95 (9th Cir. 2016) (an application for authorization to file a second or successive habeas petition should be construed as a motion to amend a pending first habeas petition).

The Clerk shall transfer the application and supplement, filed at Docket Entry Nos. 1 and 2, to the district court to be processed as a motion to amend the currently pending section 2254 habeas petition. The motion shall be deemed filed in the district court on July 16, 2017, the date on which it was delivered to prison authorities for forwarding to this court. *See Fed. R. App. P. 4(c)(1)*.

We express no opinion as to whether the claims raised in the application are currently pending before the district court, and if not, whether leave to amend should be granted.

The Clerk shall serve this order and the application directly on the chambers of the Honorable Andrew P. Gordon and the Honorable Cam Ferenbach.

Upon transfer of the application, the Clerk shall close this original action.

Any pending motions are denied as moot.

No further filings will be entertained in this case.

**DENIED AS UNNECESSARY; APPLICATION and SUPPLEMENT  
TRANSFERRED to the district court.**