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It is therefore ordered that the Clerk detach and file petitioner's document at ECF No. 1-1.

It is further ordered that this action is dismissed without prejudice as set forth in this order.

It is further ordered that a certificate of appealability is denied, as jurists of reason would not find the Court's dismissal of this improperly commenced action without prejudice to be debatable or incorrect.

It is further ordered that the Clerk enter judgment accordingly and close this case.

DATED THIS 16<sup>th</sup> day of December 2016.

  
MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE