UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSE PIZARRO,		
Petitioner,		**ORDER**
-against-		**09 Civ. 108 (HB)**
JAMES T. CONWAY, SUPERINTENDENT,		
Respondent.		

JOSE PIZARRO,		
Petitioner,		**09 Civ. 111 (HB)**
-against-		
JAMES T. CONWAY, SUPERINTENDENT,		
Respondent.		

Hon. HAROLD BAER, JR., District Judge:

WHERAS, the Southern District Court's *Pro Se* Office received petitions for writs of *habeas corpus* under 28 U.S.C. § 2254 on October 10, 2008 in both of the above-referenced Actions; and

WHEREAS, Petitioner paid the filing fee in one action, and he submitted an *in forma pauperis* ("IFP") application in the other; and

WHEREAS, on January 7, 2009, the Court granted petitioner's application to proceed IFP, directed the Clerk of Court to assign docket numbers to the actions, and directed the Clerk to consolidate these actions for the purpose of its order; and

WHEREAS the Court also ordered petitioner to show cause by affirmation why his petitions should not be dismissed as time-barred; and

WHEREAS the Court assigned two docket numbers to this action, 09 Civ. 108 and 09 Civ. 111; and

WHEREAS, on February 11, 2009, as he was directed, petitioner filed his affirmation under both of those docket numbers; and

WHEREAS all proceedings in this action other than those described above have been filed under only one docket number, 09 Civ. 111; it is

ORDERED that the Clerk of Court dismiss 09 Civ. 108 as duplicative of 09 Civ. 111. The Court directs the parties to continue filing all papers under 09 Civ. 111. As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. 28 U.S.C. § 2253. The Court certifies pursuant to 28 U.S.C. § 1915(a) that any appeal from this order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

New York, New York
~~**November __, 2009**~~
December 4, 2009

HAROLD BAER, JR.
United States District Judge