

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

JOSE ISMAEL RUIZ ZUNIGA,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:15CV293
	)	
FRANK L. PERRY,	)	
	)	
Respondent.	)	

**ORDER**

On April 13, 2015, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 3 and 4.) Petitioner timely filed objections (Doc. 5) to the Recommendation.<sup>1</sup>

This court has appropriately reviewed the portions of the Recommendation to which objections were made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

The court notes further that Petitioner has filed a document listing this case number and attempting to raise new claims. However, Petitioner was instructed by prior Order to file any such claims in a Motion to Amend in his previously

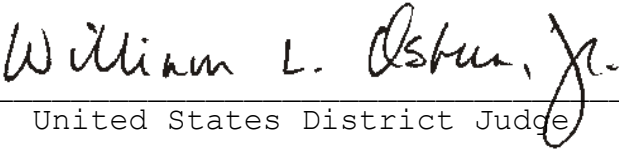
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<sup>1</sup> Petitioner's pleading contains allegations in both English language and Spanish language. Apparently, Petitioner has the ability to file in both languages. Petitioner is cautioned to submit his pleadings only in English.

filed, and currently pending, habeas proceeding. (Doc. 3.)  
Consequently, the court has docketed that document accordingly  
in Petitioner's currently pending, and previously filed, habeas  
proceeding and will consider it there in due course. (See  
1:15CV35, Doc. 9.)

**IT IS THEREFORE ORDERED** that this action is dismissed without  
prejudice to Petitioner moving to amend his pending habeas petition  
in case 1:15CV35. A Judgment dismissing this action will be  
entered contemporaneously with this Order.

This the 26th day of May, 2015.

  
United States District Judge