

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

KENNETH SMITH,

Petitioner,

-vs-

FRANCISCO PINEDA, Warden,

Respondent.

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Case No. 1:12-cv-196

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District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz

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**SCHEDULING ENTRY**

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In the body of the Petition in this case, Petitioner takes the position that this is not a second or successive habeas corpus petition, despite the prior filing of Case No. 1-99-CV-832. The Attorney General was given an opportunity to respond to that position and opposes it (Doc. No. 6).

Petitioner may file any response he wishes the Court to consider to the Attorney General's position not later than March 30, 2012.

March 26, 2012.

s/ **Michael R. Merz**  
United States Magistrate Judge