Jose Manue	Aguirre-Ganceda	v. Heriberto I	H. Tellez
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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WASHINGTON

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No.

4:17-CV-05094-EFS

ORDER DISMISSING CIVL CASE

CLERK'S OFFICE ACTION REQUIRED

7	JOSE	MANUEL	AGUIERRE-GANCEDA,

Petitioner,

v.

HERIBERTO H. TELLEZ, Acting Warden,

Respondent.

On July 3, 2017, Jose Manuel Aguierre-Ganceda's Petition for 13 Writ of Habeas Corpus, which was filed in the Central District of 14 15 California, was transferred to this District. As stated in the Court's prior text order, ECF No. 7, Mr. Aguierre-Ganceda already had 16 17 a § 2255 motion pending before this Court that, in addition to requesting the same relief, asserted the exact same facts and 18 19 arguments as in the California habeas petition; only the titles and the introductions differed. Compare ECF No. 244 in 03-CR-6016, with 20 ECF No. 4 in 17-CV-5094. Therefore, Mr. Aguierre-Ganceda's civil 21 habeas petition is dismissed as a duplicative filing and case number 22 23 4:17-CV-05094-EFS shall be closed.

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<code>Q:\EFS\Criminal\2003\03-CR-6016.17-CV-5094;Aguierre-Ganceda.Dismiss.Duplicate.LC1.docx</code> ORDER <code>DISMISSING CIVL CASE - 1</code>

1	To e	nsure a complete record, the Court will direct the Clerk's	
2		file Mr. Aguierre-Ganceda's civil habeas petition as a	
3		Duplicative Filing in the associated criminal case. <sup>1</sup>	
4	Accoi	rdingly, IT IS HEREBY ORDERED:	
5	1.	The Clerk's Office is directed to file Mr. Aguierre-	
6		Ganceda's Petition for Writ of Habeas Corpus, ECF No. 1 in	
7		4:17-CV-05094-EFS, as a Notice of Duplicative Filing in his	
8		criminal case, 2:03-CR-06016-EFS-1, nunc pro tunc, as of	
9		July 3, 2017.	
10	2.	Case No. 4:17-CV-05094-EFS is DISMISSED.	
11	3.	All pending motions in 4:17-CV-05094-EFS are DENIED AS	
12		MOOT.	
13	4.	All hearings and other deadlines in <b>4:17-CV-05094-EFS</b> are	
14		STRICKEN.	
15	5.	The Clerk's Office is directed to <b>CLOSE</b> Case No. 4:17-CV-	
16		05094-EFS.	
17	IT I:	S SO ORDERED. The Clerk's Office is directed to enter this	
18	Order and	provide copies to Mr. Aguierre-Ganceda and all counsel.	
19	DATEI	<b>D</b> this <u>23<sup>rd</sup></u> day of August 2017.	
20			
21		s/Edward F. Shea EDWARD F. SHEA	
22		Senior United States District Judge	
23			
24	<sup>1</sup> Mr. Aguierre-Ganceda's latest § 2255 motion already has an associated civil case that was opened for administrative purposes: Case No. 4:17-CV-		
25	05092-EFS.		
26			
		<pre>\2003\03-CR-6016.17-CV-5094;Aguierre-Ganceda.Dismiss.Duplicate.LC1.docx IISSING CIVL CASE - 2</pre>	