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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 EDWARD ROOSEVELT WHITTINGTON,

9 Petitioner,

10 v.

11 MARGARET GILBERT,

12 Respondent.

Case No. C16-1777-RAJ

ORDER TRANSFERRING CASE TO
NINTH CIRCUIT

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14 The Court, having reviewed the Report and Recommendation of the Honorable James P.
15 Donohue, Chief United States Magistrate Judge, any objections thereto, and the remaining
16 record, hereby ORDERS:

17 (1) The Report and Recommendation is approved and adopted.

18 (2) Petitioner's federal habeas petition is TRANSFERRED to the Ninth Circuit Court
19 of Appeals as a second or successive petition. Petitioner is advised that this transfer does not of
20 itself constitute compliance with 28 U.S.C. § 2244(b)(3) and Ninth Circuit Rule 22-3. Petitioner
21 must still file a motion for leave to proceed in the Court of Appeals and make the showing
22 required by § 2244(b)(2).
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ORDER TRANSFERRING CASE
TO NINTH CIRCUIT - 1

