

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Raymond A. Treon v. Federal Bureau of Prisons

Treon · No. 1:25-cv-00279-HBK (HC) · Decided May 8, 2025

SUMMARY

The United States District Court for the Eastern District of California construed Raymond A. Treon's § 2241 habeas petition as a motion to amend an earlier-filed habeas petition challenging the same sentence. The court directed the Clerk to re-file the petition in the earlier case, deemed the respondent's motions moot, and closed the present case.

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 RAYMOND A. TREON, Case No. 1:25-cv-00279-HBK (HC) 12 Petitioner,
ORDER CONSTRUING PETITION AS MOTION TO AMEND PETITION IN CASE 13 v. NO.
1:25-cv-00122-HBK 14 FEDERAL BUREAU OF PRISONS., ORDER DIRECTING CLERK OF
COURT TO RE-FILE INSTANT PETITION AS MOTION 15 Respondent.

TO AMEND IN CASE NO. 1:25-cv-00122- HBK 16 ORDER DIRECTING CLERK OF COURT
TO 17 CLOSE THIS CASE 18 19 Petitioner Raymond A. Treon, a federal prisoner proceeding
pro se, filed the instant 20 petition for writ of habeas corpus under 28 U.S.C. § 2241 on February
3, 2025 in the Eastern 21 District of Missouri. (Doc. No. 1, “Petition”). Subsequently, the case
was transferred to the 22 Eastern District of California.

(Doc. Nos. 3, 4). The Court takes judicial notice of its own files, 23 which reveal that Petitioner
had previously filed a federal petition in this court challenging the 24 same sentence at case
number 1:25-cv-00122-HBK. 25 In *Woods v. Carey*, the Ninth Circuit held that, under certain
circumstances, if a pro se 26 petitioner files a habeas petition during the pendency of a previous
petition, the district court 27 should construe the second petition as a motion to amend the
previous petition.

525 F.3d 886, 28 889-90 (9th Cir. 2008). Hence, *Woods* appears to require a district court to
construe a “second or 1 | successive” petition filed while an earlier petition is still pending in the
district court as a motion 2 | to amend the earlier petition. 3 Because Petitioner has a pending
federal habeas petition at case number 1:25-cv-00122- 4 | HBK, which challenges the same
sentence as in this case, the Court must construe this Petition as 5 || amotion to amend the earlier-
filed petition.

See Id. at 889-90. 6 Accordingly, it is ORDERED: 7 1. The Court construes the Petition (Doc. No. 1) as a motion to amend the petition in 8 case number 1:25-cv-00122-HBK. 9 2. The Clerk of Court is DIRECTED to docket the Petition in this case (Doc. No. 1) as a 10 “Petitioner’s Motion to Amend” in case number 1:25-cv-00122-HBK. 11 3. Respondent’s motion to dismiss and motion to vacate (Doc.

No. 9) is MOOT. 12 4. The Clerk of Court is directed to close this case. 13 "| Dated: _ May 8, 2025 Mihaw. Wh. foareh Zaskth 15 HELENA M. BARCH-KUCHTA 6 UNITED STATES MAGISTRATE JUDGE 17 18 19 20 21 22 23 24 25 26 27 28