

**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

OPINION

(HC) Treon v. Bureau of Prisons

PER CURIAM.

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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

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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 ||
a motion 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