

NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No: 01-2610

CARLOS M. FLECHA, JR.,

Appellant
v.

MR. R. SHANNON;
THE DISTRICT ATTORNEY OF THE
COUNTY OF PHILADELPHIA;
THE ATTORNEY GENERAL OF THE
STATE OF PENNSYLVANIA

Appeal from the United States District Court
for the Eastern District of Pennsylvania
(D.C. Civil Action No. 00-cv-05455)
District Judge: Honorable Robert F. Kelly

Submitted Under Third Circuit LAR 34.1(a)
on March 4, 2003

Before: ROTH, BARRY and FUENTES CIRCUIT JUDGES

(Opinion filed: April 21, 2003)

OPINION

ROTH, Circuit Judge:

Carlos Flecha appeals the denial of his Petition for Writ of Habeas Corpus which was dismissed without an evidentiary hearing in the United States District Court for the Eastern District of Pennsylvania.

On June 13, 2000, Flecha filed his Petition for Writ of Habeas Corpus relief with the District Court under the docket number 00-2984. On June 29, 2000, the District Court granted Flecha an additional 120 days to re-file his petition. This Order was also docketed under number 00-2984. On October 27, Flecha re-filed his petition with the District Court. However, this petition was docketed under a different number of 00-5455. Therefore, the re-filed petition was improperly dismissed because it was incorrectly docketed.

We remand to the Clerk of the United States District Court for the Eastern District of Pennsylvania to correctly docket the re-filed petition, filed on October 27, 2000, under docket number 00-2984.

TO THE CLERK:

Please file the foregoing Opinion.

By the Court,

/s/ Jane R. Roth
Circuit Judge