

CERTIFIED FOR PUBLICATION

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT

In re ELVIN CABRERA,
On Habeas Corpus.

F059511

**ORDER MODIFYING OPINION AND
DENYING REHEARING
[NO CHANGE IN JUDGMENT]**

THE COURT:

It is ordered that the opinion filed herein on September 8, 2011, and reported in the Official Reports (198 Cal.App.4th 1548) be modified as follows:

On page 1572, the paragraph following the heading **DISPOSITION** is deleted and the following paragraph inserted in its place:

Let a writ of habeas corpus issue directing the California Department of Corrections and Rehabilitation to (1) expunge Cabrera's validation as an associate of the Mexican Mafia prison gang, (2) report the expungement to all gang-related law enforcement databases and clearinghouses to which the

original validation was reported previously, and (3) cease housing Cabrera in the SHU based on the gang validation.

There is no change in the judgment. Respondent's petition for rehearing is denied.

DAWSON, Acting P.J.

WE CONCUR:

KANE, J.

POOCHIGIAN, J.