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6 **UNITED STATES DISTRICT COURT**
7 **CENTRAL DISTRICT OF CALIFORNIA**
8 **EASTERN DIVISION**
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10 DANIEL ARENAS,) Case No. EDCV 08-00943-GAF (MLG)
11)
12 Petitioner,) ORDER ACCEPTING AND ADOPTING
13) FINDINGS AND RECOMMENDATIONS OF
14 v.) UNITED STATES MAGISTRATE JUDGE
15 JAMES WALKER, Warden,)
16)
17 Respondent.)

18 Pursuant to 28 U.S.C. § 636(b)(1)(C), the Court has reviewed the
19 petition and all of the records and files herein, as well as the
20 Report and Recommendation of the United States Magistrate Judge. The
21 Court has conducted a *de novo* review of those portions of the Report
22 and Recommendation to which objections were filed.

23 IT IS ORDERED that the Petition for Writ of Habeas Corpus is
24 GRANTED in part and DENIED in part. IT IS FURTHER ORDERED that
25 Petitioner shall be brought before the state court for re-sentencing
26 within sixty (60) days of the date of entry of judgment.

27 Dated: September 28, 2009

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Gary A. Fees
United States District Judge