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

PETER BURZA,

1:10-cv-02083-LJO-DLB (HC)

Petitioner,

ORDER VACATING ORDER DENYING  
PETITION FOR WRIT OF HABEAS CORPUS  
ISSUED MARCH 3, 2011 AND RE-ISSUING  
FINDINGS AND RECOMMENDATION TO  
DENY PETITION FOR WRIT OF HABEAS  
CORPUS

v.

JAMES D. HARTLEY,

Respondent.

[Doc. 5]

\_\_\_\_\_  
Petitioner is proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner is represented by Michael Evan Beckman, Esq.

On March 2, 2011, the undersigned issued an order to deny the instant petition for writ of habeas corpus and judgment was entered. In that order, it was noted (incorrectly) that Petitioner had consented to Magistrate Judge jurisdiction. In fact, Petitioner declined Magistrate Judge jurisdiction on November 15, 2010, however, it was incorrectly docketed as consent to Magistrate Judge jurisdiction. (Doc. 4.) Thus, because Petitioner declined Magistrate Judge jurisdiction, the Court will vacate the March 3, 2011, order and issue Findings and Recommendation to be submitted to United States District Judge Lawrence J. O’Neill concurrently herewith.

Accordingly, it is HEREBY ORDERED that the March 23, 2011, order is HEREBY STRICKEN from the record.

IT IS SO ORDERED.

**Dated: March 7, 2011**

**/s/ Dennis L. Beck**  
UNITED STATES MAGISTRATE JUDGE