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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOSEPH T. MUSSELWHITE,

Petitioner,

No. CIV S-01-1443 LKK GGH DP

vs.

**DEATH PENALTY CASE**

VINCE CULLEN,

Respondent.

FINDINGS & RECOMMENDATION

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On November 1, 2010, petitioner’s counsel filed a “Notice of Petitioner’s Death,” and attached a copy of the certificate of death. Pursuant to that notice, IT IS HEREBY RECOMMENDED that this case be dismissed.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections shall be served and filed within fourteen days after service of the objections. The parties are

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1 advised that failure to file objections within the specified time may waive the right to appeal the  
2 District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

3 DATED: March 9, 2011

4 /s/ Gregory G. Hollows

5 UNITED STATES MAGISTRATE JUDGE

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7 musselwhite.dism

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