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

DONALD JONES,

Petitioner,

No. CIV S-03-1421 KJM GGH P

vs.

D.L. RUNNELS, Warden, et al.,

ORDER

Respondents.

_____ /

Petitioner is proceeding with appointed counsel on this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. This court recommended denial of the petition in findings and recommendations issued on May 4, 2011. Subsequently, the parties stipulated to expanding the record to include appellant’s opening brief in the state appellate court on direct appeal. In addition, petitioner’s objections appear to, at a minimum, re-focus an argument that should have been raised fully before the undersigned, in response to which respondent has raised arguments which could not have been considered in light of the parties’ prior filings. The court will now VACATE the pending findings and recommendations (docket # 41) and set this matter for HEARING on June 23, 2011, at 10:00 a.m. in Courtroom # 9.

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IT IS SO ORDERED.

DATED: June 9, 2011

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

GGH:009
jone1421.vac