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

JOSHUA MOSES HELLOM,

No. CIV S-07-0943-LKK-CMK-P

Petitioner,

vs.

FINDINGS AND RECOMMENDATIONS

Unknown,

Respondent.

_____ /

Petitioner, a state prisoner proceeding pro se, apparently seeks to file a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Currently the only document before the court is petitioner’s May 18, 2007, letter seeking an extension of time within which to file a petition.

Petitioner is advised that, except in extraordinary circumstances warranting equitable tolling, this court cannot grant an extension of time to file his petition. Once petitioner has prepared his petition, he should send it to the court. Upon receipt, it will be filed and a new case number will be assigned. In the meantime, the court will recommend that this action be closed.

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1 Based on the foregoing, the undersigned recommends that the Clerk of the Court
2 be directed to close this action as having been opened prematurely.

3 These findings and recommendations are submitted to the United States District
4 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 20 days
5 after being served with these findings and recommendations, any party may file written
6 objections with the court. The document should be captioned "Objections to Magistrate Judge's
7 Findings and Recommendations." Failure to file objections within the specified time may waive
8 the right to appeal. See Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

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10 DATED: May 23, 2007.

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13 **CRAIG M. KELLISON**
14 UNITED STATES MAGISTRATE JUDGE
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