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

REMON SHIELDS,

Petitioner,

No. CIV S-09-3597 MCE DAD P

vs.

JAMES WALKER,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner is a state prisoner proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On January 29, 2010, the court issued findings and recommendations, recommending that this action be dismissed without prejudice to the filing of a civil rights action. The court explained to petitioner that habeas relief was unavailable to him because he had failed to allege that the expungement of a disciplinary ruling would in any way accelerate his release from prison.

On May 25, 2010, petitioner filed objections to the court's January 29, 2010 findings and recommendations. Therein, petitioner alleges that he was in fact deprived of good time credits and that the expungement of the disciplinary ruling would accelerate his release from prison.

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Accordingly, IT IS HEREBY ORDERED that:

1. The court's January 29, 2010 findings and recommendations (Doc. No. 8) are vacated; and

2. Petitioner shall, within thirty days of the date of this order, file an amended complaint. In his amended complaint, petitioner shall clearly allege facts explaining whether he is sentenced to a term of life without the possibility of parole and whether the disciplinary ruling now in dispute resulted in him being deprived of time credits.

DATED: June 1, 2010.

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

DAD:sj  
shie3597.vac