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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ANTHONY BRUMFIELD,
 Petitioner,

v.
ANTHONY HEDGEPEETH, Warden,
 Respondent.

} Case No. CV 09-0108-MMM (JEM)
}
} ORDER ADOPTING FINDINGS,
} CONCLUSIONS, AND
} RECOMMENDATIONS OF UNITED STATES
} MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the pleadings, all the records and files herein, and the Report and Recommendation of the United States Magistrate Judge. The time for filing Objections to the Report and Recommendation has expired, and no Objections have been filed. The Court concurs with and adopts the findings, conclusions, and recommendations of the Magistrate Judge.


IT IS HEREBY ORDERED that Respondent’s Motion to Dismiss be DENIED.

IT IS FURTHER ORDERED that Petitioner’s request for leave to file a First Amended Petition be GRANTED. Petitioner shall file a First Amended Petition amending Claim 3 within thirty (30) days of the date of this Order. Respondent may file an Answer to the First Amended Petition within thirty (30) days of the date the First Amended Petition is filed. Petitioner may file a single Reply responding to matters raised in the Answer within thirty (30) days of the date the Answer is filed and served. Unless otherwise ordered by the Court, this case shall be deemed submitted on the day following the date Petitioner's Reply to the Answer is due.

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IT IS SO ORDERED.

DATED: June 15, 2010



MARGARET M. MORROW
UNITED STATES DISTRICT JUDGE