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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JULIUS D. HUMPHREY, SR.,
Petitioner,
v.
B. CURRY,
Respondent,

1:06-CV-01064 OWW WMW HC
CORRECTED ORDER ADOPTING
FINDINGS AND RECOMMENDATIONS
RE MOTION TO DISMISS
PETITION FOR WRIT OF HABEAS
CORPUS (DOC. 9, 16) AND
REOPENING CASE.

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On February 11, 2008, the Magistrate Judge filed findings and recommendations, recommending that Respondent's motion to dismiss the petition be granted in part and denied in part. Doc. 16. Specifically, the Magistrate recommended that the case be ordered to proceed on grounds 5 and 6 only. *Id.* Dismissal of all other claims was recommended on the ground that petitioner failed to exhaust his administrative remedies. *Id.*

The findings and recommendations were served on the parties and contained notice to the parties that any objections to the

1 findings and recommendations were to be filed within thirty days.
2 No objections were filed.

3 On March 17, 2008, the district court issued an order
4 adopting the Magistrate's findings and recommendations in full.
5 Doc. 17. However, due to an administrative error, the order
6 indicated that the petition should be dismissed in its entirety.
7 *Id.*

8 Accordingly, the district court issues the following
9 corrected order:

10 1. The findings and recommendations issued by the
11 Magistrate Judge on February 11, 2008 are adopted in full.

12 2. Respondent's motion to dismiss the Petition for Writ of
13 Habeas Corpus is GRANTED IN PART AND DENIED IN PART. This case
14 shall proceed on grounds 5 and 6 only.

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16 SO ORDERED

17 Dated: February 11, 2009

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19 /s/ Oliver W. Wanger
20 Oliver W. Wanger
21 United States District Court

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