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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ERNESTO SANDOVAL,)	1:06-CV-01235 LJO JMD HC
)	
Petitioner,)	ADDENDUM TO THE ORDER DISMISSING
)	THE PETITIONER FOR WRIT OF
v.)	HEABEAS CORPUS [Doc. #29]
)	
JAMES YATES,)	
)	
Respondent.)	

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On January 30, 2009, the Court issued an order adopting the Magistrate Judge’s Findings and Recommendation, dismissing the petition for writ of habeas corpus for lack of jurisdiction, directing the Clerk of Court to enter judgment, and declining to issue a certificate of appealability. The Court notes that the Magistrate Judge’s Findings and Recommendation recommended denying the petition for writ of habeas corpus. The Court’s order was erroneous as line 20-21, page 1 mistakenly dismissed rather than denied the petition.

Accordingly, IT IS HEREBY ORDERED that the order issued on January 30, 2009, is amended to reflect that the petition for writ of habeas corpus is DENIED with prejudice and not dismissed for lack of jurisdiction.

IT IS SO ORDERED.

Dated: February 2, 2009

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE