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Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendation issued July 6, 2009, is ADOPTED IN FULL;
2. Respondent's motion to dismiss is DENIED;
3. Respondent is DIRECTED to file an answer to the petition for writ of habeas corpus within sixty (60) days.¹

IT IS SO ORDERED.

Dated: September 21, 2009

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE

¹ For further information regarding the filing of an answer or traverse, please refer to this Court's June 2, 2008, Order Requiring Respondent to File Responsive Pleading. (Doc. #15).