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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JAIME BENAVENTE, JR.,

1:08-CV-00085 GSA HC

Petitioner,

ORDER REGARDING PETITIONER’S
MOTION FOR RESENTENCING
[Doc. #58]

v.

ANTHONY HEDGPETH,

ORDER TO SHOW CAUSE REGARDING
ORDER GRANTING PETITION AS TO
GROUND ONE
[Doc. #47]

Respondents.

THIRTY DAY DEADLINE

Petitioner is a state prisoner proceeding pro se with a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254.

On May 26, 2010, Magistrate Judge John M. Dixon issued an order granting the petition for writ of habeas corpus as to Ground One. Magistrate Judge Dixon ordered the case remanded to the Tulare County Superior Court and set a deadline of sixty days for resentencing without the gang enhancement as to Count Two.

On April 17, 2012, the Ninth Circuit Court of Appeal denied the appeal. On May 3, 2012, Petitioner filed a motion requesting the matter be remanded to the Tulare County Superior Court for resentencing. As noted above, however, resentencing was ordered to occur within sixty days of the date of the May 26, 2010, order.

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Accordingly, Respondent is ORDERED to SHOW CAUSE within thirty (30) days of the date of service of this Order whether resentencing has occurred in this matter, and if not, why it has not occurred.

IT IS SO ORDERED.

Dated: May 7, 2012

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE