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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JAIME BENAVENTE, JR.,

1:08-CV-00085 GSA HC

Petitioner,

ORDER DENYING PETITIONER'S  
MOTION FOR RESENTENCING

v.

[Doc. #58]

ANTHONY HEDGPETH,

Respondents.

\_\_\_\_\_/

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. On May 8, 2012, the Court issued an order to show cause directing Respondent to state whether resentencing has occurred in this matter, and if not, why it has not occurred.

