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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOHN KEVIN DURLAO,

1:08-cv-01142-LJO-SMS (HC)

Petitioner,

ORDER DIRECTING RESPONDENT TO
SUBMIT EXHIBITS ATTACHED TO STATE
COURT FILINGS, IF ANY

v.

HEDGPETH, Warden,

Respondent.

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

Now pending before the Court is Respondent's motion to dismiss the instant petition as unexhausted filed November 26, 2008. (Court Doc. 25.) On December 30, 2008, Respondent submitted a second copy of the motion to dismiss with exhibits attached. (Court Doc. 30.) After a review of the exhibits, the Court cannot determine whether the copy of the petition filed in the California Supreme Court is a verbatim copy of such filing, including any exhibits and documents that may have been filed. Respondent is directed, if not already done so, to submit a complete copy of the state habeas petition filed in the California Supreme Court.

Accordingly, it is HEREBY ORDERED that:

1. Within **ten (10)** days from the date of service of this order, Respondent shall submit a complete copy of the state court petition filed in the California Supreme Court; and,

1 2. If the copy of the petition submitted by Respondent on December 30, 2008 is
2 complete, Respondent shall file a response so indicating.

3
4 IT IS SO ORDERED.

5 **Dated: January 8, 2009**

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE

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