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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

12 SERGIO SANCHEZ,) 1:08-CV-01460 OWW SMS HC
13 Petitioner,) ORDER VACATING FINDINGS AND
14) RECOMMENDATION OF JANUARY 14,
15 v.) 2009, THAT HAD RECOMMENDED THE
16 M. S. EVANS,) PETITION BE DISMISSED
17 Respondent.) [Doc. #9]
) ORDER GRANTING EXTENSION OF TIME
) [Doc. #10]

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

21 On December 4, 2008, the undersigned issued an Order dismissing the petition for failure to
22 state a claim. Petitioner was granted thirty (30) days to file an amended petition curing the defects in
23 his original petition. Over thirty (30) days passed, and the Court did not receive a response from
24 Petitioner. Therefore, the Court issued a Findings and Recommendation which recommended the
25 petition be dismissed for failure to comply with a court order. On January 12, 2009, Petitioner filed a
26 motion for extension of time. Petitioner states he did not receive the Court's Order until January 7,
27 2009, and he promptly filed a motion for an extension at that time. He states he has not had full
28 access to the law library and requires additional time.

1 Accordingly, good cause having been presented and good cause appearing therefor, the Court
2 hereby VACATES the Findings and Recommendation of January 14, 2009. Petitioner is GRANTED
3 thirty (30) days from the date of service of this order to file an amended petition in compliance with
4 the Order of December 4, 2008.

5 || IT IS SO ORDERED.

6 | Dated: January 26, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE