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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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

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

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

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