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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

GILBERTO LEON,

1:09-cv-00445-AWI-DLB (HC)

Petitioner,

ORDER DIRECTING RESPONDENT TO  
SUBMIT ANSWER TO PETITION WITHIN  
FORTY-FIVE DAYS FROM THE DATE OF  
SERVICE OF THIS ORDER

v.

JAMES D. HARTLEY, Warden,

[Doc. 19]

Respondent.

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

Petitioner filed the instant petition for writ of habeas corpus on February 24, 2009. Respondent filed a motion to dismiss on June 8, 2009. (Court Doc. 15.) Petitioner filed an opposition and Respondent filed a reply. (Court Docs. 16, 17.)

On July 10, 2009, the undersigned issued Findings and Recommendations to deny Respondent's motion to dismiss the instant petition as untimely. (Court Doc. 18.) The Findings and Recommendation was adopted in full on September 11, 2009, and the matter was referred back to the undersigned for further proceedings. (Court Doc. 19.)

Within **forty-five (45)** days from the date of service of this order, Respondent shall file an answer the petition. All other provisions of the Court's April 9, 2009, remain in full force and effect.

IT IS SO ORDERED.

Dated: May 6, 2010

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE