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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TOMMY CORRAL,)	1:10-CV-00699 LJO SMS HC
)	
Petitioner,)	ORDER VACATING JUNE 3, 2010,
)	FINDINGS AND RECOMMENDATION
v.)	THAT HAD RECOMMENDED THE
)	PETITION BE DISMISSED
)	[Doc. #12]
F. GONZALEZ, Warden, et al.,)	
)	
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 June 3, 2010, this Court issued a Findings and Recommendation that recommended the petition be dismissed for lack of jurisdiction. The Court determined that Petitioner’s challenge to his gang validation and placement in the secured housing unit was not cognizable in a habeas action since Petitioner was challenging a condition of his confinement which did not affect the length of his confinement. On July 6, 2010, Petitioner filed objections to the Findings and Recommendation. Petitioner states his gang validation has affected the length of his sentence by altering his credit-earning status. He has submitted calculation worksheets which appear to show his sentence was lengthened as a result of his gang validation.

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Accordingly, the Court hereby VACATES the Findings and Recommendation of June 3, 2010.

IT IS SO ORDERED.

Dated: August 3, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE