

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOSE AVINA,

Petitioner,

v.

DARREL G. ADAMS,

Respondent.

1:10-cv-00790-OWW-MJS (HC)

ORDER REFERRING MOTION TO  
MAGISTRATE JUDGE FOR FURTHER  
CONSIDERATION IN LIGHT OF  
INTERVENING PERSUASIVE  
AUTHORITY

On July 22, 2011, the Magistrate Judge issued Findings and Recommendations regarding Respondent's Motion to Dismiss. (Doc. 26). The matter is referred back to the Magistrate Judge for consideration of *Villegas v. Hartley*, 2011 U.S. Dist. LEXIS 102494 (E.D. Cal. 2011); *Bailey v. Swarthout*, 2011 U.S. Dist. LEXIS 102538 (E.D. Cal. 2011); *Morris v. Haviland*, 2011 U.S. Dist. LEXIS 98481 (E.D. Cal. 2011); *Jackson v. Swarthout*, 2011 U.S. Dist. LEXIS 97713 (E.D. Cal. 2011); and any other intervening authority relevant to the issue presented.

IT IS SO ORDERED.

Dated: September 30, 2011

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE