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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LEWIS J. SATTERFIELD,

1:10-cv-01468-OWW-DLB (HC)

Petitioner,

ORDER VACATING FINDINGS AND
RECOMMENDATION ISSUED OCTOBER 22,
2010

v.

[Doc. 7]

J.D. HARTLEY,

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 September 9, 2010, the Court dismissed the instant petition for writ of habeas corpus with leave to amend. Petitioner failed to file an amended petition, and the Court issued Findings and Recommendations to dismiss the action on October 22, 2010.

Just two days later, on October 25, 2010, Petitioner filed an amended petition. Then, on November 9, 2010, Petitioner filed objections to the Findings and Recommendation. Because Petitioner filed an amended petition, the Court will vacate the Findings and Recommendation recommending dismissal of the action for failure to prosecute.

IT IS SO ORDERED.

Dated: January 27, 2011

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE