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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LATIF R. EVANS,)	1:11-cv-01424-LJO-SKO-HC
)	
Petitioner,)	ORDER DISMISSING MOTION AS MOOT
)	(DOC. 16)
)	
v.)	
)	
BOARD OF PAROLE HEARINGS)	
(BPH), 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. The matter has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rules 302 and 303. Pending before the Court is Petitioner's motion for issuance of an order to show cause, filed on September 22, 2011.

Because the Court has previously directed Respondent to file a response to the petition, Petitioner's request for an order to show cause is moot. To the extent that Petitioner seeks the issuance of a writ of habeas corpus, Petitioner's motion is premature because the merits of the case are not yet ready to be

1 considered.

2 Therefore, Petitioner's motion is DISMISSED.

3

4 IT IS SO ORDERED.

5 **Dated: September 27, 2011**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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