

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA

3
4 MARIANO TORRES-SAINZ,
5 Petitioner,
6 v.
7 CRAIG APKER,
8 Respondent.

No. 1:13-cv-00896-LJO-SKO HC

**ORDER DIRECTING RESPONDENT
TO SUBMIT PROPOSED ORDER IN
COMPLIANCE WITH APPELLATE
COURT ORDER OF REMAND**

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10 On August 5, 2015, Petitioner Mariano Torres-Sainz filed a notice of appeal in the U.S.
11 Court of Appeals for the Ninth Circuit concerning this Court's denial of his petition for writ of
12 habeas corpus pursuant to 28 U.S.C. § 2254. Thereafter, Respondent provided Petitioner a new
13 administrative hearing in which the good conduct time that was the subject of the petition was
14 restored. Accordingly, Respondent moved for remand to this Court. On March 15, 2017, the
15 Ninth Circuit Court remanded the case with directions to augment the record with the Declaration
16 of DHO Richard Devereaux and to determine whether it shall retain further jurisdiction over the
17 case. *See Torres-Sainz v. Apker*, Docs. 11 and 13 (Case No. 15-16564).

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19 The Ninth Circuit's having remanded the case to the District Court and the Clerk of Court
20 having reopened the case on the District Court docket, Respondent is hereby DIRECTED to
21 submit, within thirty (30) days of this order, a proposed order in compliance with the terms of the
22 Ninth Circuit order of remand.
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25 IT IS SO ORDERED.

26 Dated: April 12, 2017

/s/ Sheila K. Oberto
27 UNITED STATES MAGISTRATE JUDGE
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