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8   UNITED STATES DISTRICT COURT

9   EASTERN DISTRICT OF CALIFORNIA

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11   GABRIEL GONZALES,   No. 1:16-cv-01224-AWI-SKO HC

12   Petitioner,   **ORDER SUSPENDING BRIEFING
                                                       SCHEDULE AND DIRECTING
13   v.   PETITIONER TO AMEND PETITION**

14   M. ELIOT SPEARMAN, Warden,

15   Respondent.   **(Doc. 15)**

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17   On December 1, 2016, Respondent filed an *ex parte* motion, requesting that the Court

18   order Petitioner to file a complete petition, that the scheduling order be suspended pending receipt

19   of an amended petition, and that a new schedule be ordered following submission of an amended

20   petition. In support of his motion, Respondent advised the court that the 24-page petition, as

21   filed, omitted hand-numbered pages 1, 9, 13, 15, and 21.

22   The Court has reviewed the petition as submitted to the Clerk to determine whether the

23   missing pages resulted from a scanning error by the Court and determined that the pages were

24   missing from the petition that Petitioner submitted to the Court for filing. As a result, the Court

25   will grant Respondent's motion to permit Petitioner to submit an amended petition including all

26   pages.

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1   Accordingly, it is hereby ORDERED:

2   1. Within thirty (30) days of this order, Petitioner shall submit to the Court for filing an

3 amended copy of his petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, including all

4 pages (pages 1 through 24). In the alternative, Petitioner may file with the Court a sworn

5 statement that, despite the nonconsecutive numbering of the petition, the petition is complete as

6 filed.

7   2. The briefing schedule set forth in the Order Requiring Respondent to File A Response

8 (Doc. 5) is suspended. Following Petitioner's submission of an amended petition or statement

9 that the petition may proceed as originally filed, the Court shall issue an amended Order Setting

10 Briefing Schedule.

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  IT IS SO ORDERED.

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13   Dated: **December 16, 2016**   /s/ *Sheila K. Oberto*

14   UNITED STATES MAGISTRATE JUDGE

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