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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

OSCAR PABLO TORRES,  
Petitioner,  
v.  
SUZANNE PEERY, Warden,  
Respondent.

No. 1:17-cv-00169-LJO-JLT (HC)

**ORDER VACATING ORDER  
DISMISSING CASE**

**ORDER GRANTING MOTION FOR  
EXTENSION OF TIME [Doc. No. 9]**

On March 2, 2017, the Magistrate Judge issued Findings and Recommendations to summarily dismiss the petition for failure to exhaust state remedies. (Doc. No. 6.) The Findings and Recommendations were served upon all parties and contained notice that any objections were to be filed within twenty-one days from the date of service of that order. Over twenty-one days passed and no party filed objections. On March 27, 2017, the Court adopted the Findings and Recommendations, dismissed the petition, closed the case, and entered judgment. (Docs. No. 7-8.) On that same date, the Court received a purported motion for extension of time to file objections. (Doc. No. 9.) The pleading is unsigned and therefore technically improper. However, the document suggests that Petitioner was unable to timely complete and file objections to the Findings and Recommendations because his prison was placed on lock-down. In an abundance of caution the Court will GRANT Petitioner an extension of time to file objections.

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**ORDER**

Accordingly, IT IS HEREBY ORDERED:

- 1) The order adopting the Findings and Recommendation of March 27, 2017, is VACATED;
- 2) The Clerk of Court is DIRECTED to re-open the case; and
- 3) Petitioner is GRANTED thirty days from the date of service of this order to file objections.

IT IS SO ORDERED.

Dated: March 31, 2017

/s/ Lawrence J. O’Neill  
UNITED STATES CHIEF DISTRICT JUDGE