

1 54).

2 On August 25, 2021, the undersigned issued an order finding that despite Petitioner being
3 entitled to some statutory tolling, the petition was time-barred under AEDPA's statute of
4 limitations and directed Petitioner to expand the record and make arguments to demonstrate that
5 he should be entitled to equitable tolling. (Doc. No. 55 at 12-15). On September 7, 2021,
6 Petitioner filed objections to this Court's August 25, 2021 Order. (Doc. No. 56). In his
7 objections, Petitioner argues that the undersigned did not have the authority as a magistrate judge
8 to issue an order finding that the petition is statutorily time-barred. (*Id.* at 8). Petitioner's
9 objection is well taken. Accordingly, the Court will vacate its August 25, 2021 order. (Doc. No.
10 55).

11 The Court will consider Petitioner's timeliness arguments contained in his reply (Doc. No.
12 54) and objections (Doc. No. 56) and, if appropriate, will issue findings and recommendations
13 addressing the timeliness issue in due course. In the event the Court finds the petition statutorily
14 time-barred, Petitioner will have the opportunity to object to the findings and recommendations
15 and, if appropriate, address equitable tolling at that time.

16 Accordingly, it is ORDERED:

17 This Court's August 25, 2021 order (Doc. No. 56) is VACATED.

18
19 Dated: September 8, 2021


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE