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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GORDON ANDREW DOUGLAS,

Petitioner,

No. CIV S-97-0775-KJM-JFM (HC)

vs.

STEVE CAMBRA, et al.,

Respondents.


ORDER

On November 24, 2010, the Ninth Circuit Court of Appeals vacated the February 25, 2008 order in this matter and remanded for the issuance of a conditional writ of habeas corpus. In accordance with the opinion of the appellate court, IT IS HEREBY ORDERED that:

1. Petitioner’s fifth claim for relief is granted to the extent that petitioner’s conviction for violation of California Penal Code section 451(b) is vacated if the state court, after ninety days, declines to re-sentence petitioner under section 451(c).

2. In all other respects, petitioner’s application for a writ of habeas corpus is denied.

DATED: February 4, 2011.


UNITED STATES DISTRICT JUDGE