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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.

FRANCISCO JACQUEZ, Warden,

Respondent.


ORDER

On June 16, 2011, respondent filed a request to reissue conditional writ. (ECF 87.) The court hereby GRANTS respondent's request and ORDERS:

1. The court's February 7, 2011 order is hereby VACATED. (ECF 78.)
2. 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 (90) days of the entry of this order, declines to re-sentence petitioner under section 451(c).

IT IS SO ORDERED.

DATED: June 29, 2011.




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UNITED STATES DISTRICT JUDGE