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

RICHARD ALEX WILLIAMS,

Petitioner,

No. 2:03-cv-0721-LKK JFM (HC)

vs.

CHERYL PLILER,

Respondent.

ORDER

_____ /

This matter was referred to the undersigned by the Honorable Lawrence K. Karlton. See Doc. No 88. Respondent’s August 22, 2012 motion for an evidentiary hearing is now pending before this court. A court presented with a request for an evidentiary hearing must first determine whether a factual basis exists in the record to support petitioner's claims, and if not, whether an evidentiary hearing “might be appropriate.” Baja v. Ducharme, 187 F.3d 1075, 1078 (9th Cir. 1999); see also Earp v. Ornoski, 431 F.3d 1158, 1166 (9th Cir. 2005).

Good cause appearing, IT IS HEREBY ORDERED that:

- 1. Respondent’s request for an evidentiary hearing is granted; and

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2. This matter is set for evidentiary hearing on December 20, 2012 at 1:30 p.m.

before the undersigned in Courtroom# 26.

DATED: November 14, 2012.


UNITED STATES MAGISTRATE JUDGE

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