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8   IN THE UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

10   RICHARD ALEX WILLIAMS,

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

12   vs.

13   CHERYL PLILER, Warden

14   Respondent.   <u>ORDER</u>

15   _____/

16   Petitioner is a state prisoner proceeding through counsel with an application for a

17   writ of habeas corpus pursuant to 28 U.S.C. § 2254. On June 29, 2012, the undersigned issued

18   findings and recommendations which recommended granting the application for writ of habeas

19   corpus on petitioner's claim raised pursuant to <u>Batson v. Kentucky</u>, 476 U.S. 79 (1986). (<u>See</u>

20   Dkt. No. 73.) Respondent subsequently filed objections to the findings and recommendations

21   (<u>see</u> Dkt. No. 77.) and a motion for an evidentiary hearing. (<u>See</u> Dkt. No. 78.)

22   On November 14, 2012, the district judge referred the motion for an evidentiary

23   hearing to the undersigned. (<u>See</u> Dkt. No. 88.) On November 15, 2012, the undersigned granted

24   the motion for an evidentiary hearing and set the matter for December 20, 2012 at 1:30 p.m.

25   (<u>See</u> Dkt. No. 89.)

26   Petitioner filed objections to the order granting the motion for an evidentiary

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1   hearing. (See Dkt. No. 90.) In light of petitioner's objections, the set time for the evidentiary

2   hearing will be vacated to allow review by the district judge of the order granting the evidentiary

3   hearing.

4   Accordingly, IT IS HEREBY ORDERED that:

5   1. The evidentiary hearing time and date set for December 20, 2012 at 1:30 p.m.

6   is VACATED.

7   2. The evidentiary hearing will be rescheduled as appropriate after the district

8   judge issues his ruling on the order granting an evidentiary hearing.

9   DATED: December 13, 2012.

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11   UNITED STATES MAGISTRATE JUDGE

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