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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	ROBERT EVERETT JOHNSON,
11	Petitioner, No. CIV S-05-0385 DFL GGH P
12	VS.
13	CLAUDE E. FINN, et. al., ORDER VACATING
14	Respondent. <u>FINDINGS AND RECOMMENDATIONS</u>
15	/
16	On September 14, 2010, the undersigned issued findings and recommendations
17	pursuant to the United States Court of Appeals for the Ninth Circuit's instruction to the district
18	court to grant petitioner's writ of habeas corpus. These findings issued on the presumption that
19	the mandate would issue prior to the time for filing objections and reply. (Doc. 56 at 1, n.1.)
20	The objection period having passed, respondent now requests that the undersigned
21	vacate its findings pending issuance of a mandate. Respondent states that, as of September 28,
22	2010, a mandate has not issued; thus, the Court of Appeals has yet to relinquish jurisdiction of
23	this matter. Respondent has also filed a petition for rehearing, making it uncertain when the
24	mandate will issue.
25	Good cause having been shown, the undersigned will grant respondent's request.
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1	Accordingly, IT IS HEREBY ORDERED that the September 14, 2010 Findings
2	and Recommendations are vacated. Upon issuance of a mandate, the undersigned will revisit this
3	matter.
4	DATED: September 30, 2010
5	/s/ Gregory G. Hollows
6	GREGORY G. HOLLOWS UNITED STATES MAGISTRATE JUDGE
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