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

JEFFREY DEAN FORD,
Petitioner,

No. CIV S-05-0944 LKK GGH

vs.

TOM L. CAREY
Respondent.

ORDER

_____/

Petitioner, a state prisoner proceeding with appointed counsel, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On June 29, 2009, respondent filed a motion to dismiss on the grounds that several claims were filed outside the one-year statute of limitations set forth in 28 U.S.C. 2244(d). The motion was set for oral argument before the court on August 20, 2009, but petitioner has not filed an opposition to the motion to dismiss. On August 17, 2009, petitioner filed a stipulation signed by counsel for both parties and requested to reset the hearing for September 17, 2009.

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Accordingly, IT IS HEREBY ORDERED that:

1. The court’s August 17, 2009, Order is vacated.

2. The August 20, 2009, hearing date is also vacated and the hearing is now scheduled for September 17, 2009, before the undersigned.

3. Petitioner shall file a response to the motion to dismiss by August 27, 2009. Respondent’s reply, if any, is due by September 10, 2009. No extensions will be granted.

DATED: August 19, 2009

/s/ Gregory G. Hollows

GREGORY G. HOLLOWES
UNITED STATES MAGISTRATE JUDGE

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