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

DERRICK LAKEY,

Petitioner,

No. 2:05-cv-1864 JAM GGH

vs.

RODERICK HICKMAN,

Respondent.

ORDER

_____ /

The Court of Appeals for the Ninth Circuit has dismissed petitioner’s appeal of this court’s March 26, 2009 judgment denying petitioner’s application for a writ of habeas corpus. The Court of Appeals has instructed this court to enter an order dismissing the petition as time-barred under 28 U.S.C. § 2244(d)’ statute of limitations.

In accordance with the above, IT IS HEREBY ORDERED that

1. The court’s March 26, 2009 judgment is vacated; and
2. This petition for writ of habeas corpus is dismissed as time-barred under 28 U.S.C. § 2244(d).

DATED: September 11, 2012

/s/ John A. Mendez
UNITED STATES DISTRICT COURT JUDGE