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7 UNITED STATES DISTRICT COURT
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9 JAMES LORIN PORTER, Sr.,

10 Petitioner,

11 v.

12 R. J. SUBIA, *et al.*,

13 Respondents.
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CASE NO. 2:07-cv-00657-RSL-JLW

ORDER OF DISMISSAL

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17 Petitioner was a state prisoner at the Mule Creek State Prison in Ione, California. He filed
18 a petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, challenging the Board of
19 Parole Hearing's August 23, 2005, decision finding petitioner unsuitable for parole.

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21 The Court was recently informed that petitioner passed away on July 31, 2008. Although
22 approximately four months passed between petitioner's death and the reassignment of
23 petitioner's case to this District on November 24, 2008, respondent only apprised the Court on
24 February 5, 2009, by Supplemental Answer. (*See* Docket No. 22).
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28 ORDER OF DISMISSAL -1

Petitioner's death renders his petition moot. Accordingly, this action is DISMISSED.

The Clerk is directed to send a copy of this Order to respondent and to the Honorable John L. Weinberg.

DATED this 13th day of February, 2009.

Mr S Casnik

Robert S. Lasnik

United States District Judge

Recommended for Entry this
13th day of February, 2009.

/s/ _____
John L. Weinberg
United States Magistrate Judge