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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

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RICARDO HERNANDEZ, )

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Petitioner, )

CASE NO. 2:07-cv-00839-RSL-JLW

08

v. )

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R.J. SUBIA, Warden, )

ORDER DIRECTING RESPONDENT  
TO SUPPLEMENT THE RECORD

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Respondent. )

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This is a federal habeas action brought pursuant to 28 U.S.C. § 2254. Petitioner’s

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federal habeas petition is ripe for consideration. It is evident from an initial review of the

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record, however, that a page of petitioner’s January 19, 2006, parole hearing transcript was

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accidentally omitted from the record. Specifically, “Decision Page 6,” which is page 116 of

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the overall transcript, is absent. Although it is not entirely clear at this juncture whether the

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missing page will affect the Court’s ultimate disposition of the petition, it is prudent for this

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Court to review the parole hearing transcript in its entirety.

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Accordingly, the Court hereby ORDERS as follows:

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(1) Within seven (7) days after the date of this order, respondent shall furnish the Court and petitioner with a complete copy of petitioner’s January 19, 2006, parole hearing transcript, including “Decision Page 6”;

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(2) If the above-mentioned transcript is unavailable, respondent should, within seven (7) days, inform this Court with specificity as to its unavailability;

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- (3) No additional briefing is required or requested; and
- (4) The Clerk is directed to send copies of this Order to petitioner, to counsel for respondent, and to the Honorable Robert S. Lasnik.

DATED this 7th day of October, 2009.

  
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JOHN L. WEINBERG  
United States Magistrate Judge