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

JOSHUA MOSES HELLON,

Petitioner,

No. CIV S-07-1816 LKK EFB P

vs.

T. FELKER, et al.,

Respondents.

AMENDED ORDER

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Petitioner, a state prisoner proceeding pro se, has filed this application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On March 12, 2009, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Respondents objected to the findings and recommendations. On March 31, 2009, the court issued an order adopting the magistrate judge’s findings and recommendations in full. However, because of a clerical error the court denied “respondents’ March 3, 2008, motion to dismiss.” In fact, respondents filed their motion to dismiss on December 17, 2007. March 3, 2008, was the date respondents filed a reply to petitioner’s response to the motion to dismiss. The court issues


1 this amended order to rectify that error.

2 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 72-  
3 304, this court has conducted a de novo review of this case. Having carefully reviewed the entire  
4 file, the court finds the findings and recommendations to be supported by the record and by  
5 proper analysis.

6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The findings and recommendations filed March 12, 2009, are adopted in full;
- 8 2. Respondents' December 17, 2007, motion to dismiss this action as untimely is  
9 denied;
- 10 3. Respondents are given 30 days to file an answer to the petition and are directed  
11 that any response shall be accompanied by any and all transcripts or other documents relevant to  
12 the determination of the issues presented in the application. *See* Rules 4, 5, Fed. R. Governing  
13 § 2254 Cases; and,
- 14 4. Petitioner is given 30 days after service of an answer to file his reply.

15 DATED: April 2, 2009.

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19 LAWRENCE K. KARLTON  
20 SENIOR JUDGE  
21 UNITED STATES DISTRICT COURT  
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