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

MAURICE SCOTT,

No. CIV S-08-0979-LKK-CMK-P

Petitioner,

vs.

ORDER

M.C. KRAMER, et al.,

Respondents.

_____ /

Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On October 27, 2008, respondents filed a motion to dismiss (Doc. 18) the petition as untimely. On August 21, 2009, the court issued an order rejecting respondents’ argument and concluding that “. . . petitioner’s petition was timely filed.” Respondents will be directed to file an answer to the petition within 30 days of the date of this order. The Clerk of the Court is directed to terminate Doc. 18 as a pending motion.

The court notes that another motion remains pending on the court’s docket – petitioner’s motion (Doc. 29) to file amended objections to the January 5, 2009, findings and recommendations. In that the amended objections were filed on May 15, 2009, and were considered by the court prior to issuance of the August 21, 2009, order, petitioner’s motion is

1 granted, nunc pro tunc.

2 Accordingly, IT IS HEREBY ORDERED that:

3 1. Petitioner's motion (Doc. 29) to file amended objections is granted, nunc
4 pro tunc;

5 2. Pursuant to the court's August 21, 2009, order, respondents' motion to
6 dismiss (Doc. 18) is denied; and

7 3. Respondents shall file an answer to the petition within 60 days of the date
8 of this order.

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10 DATED: August 27, 2009

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CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE

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