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

EDWARD GOZY,

Petitioner,

No. CIV S-08-1368 GGH P

vs.

D.K. SISTO, et al.,

Respondents.

ORDER

_____ /

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges the 2006 decision by the Governor reversing the decision by the California Board of Parole Hearings (BPH) finding petitioner suitable for parole.

This action had been stayed and the stay was lifted on July 16, 2010, and respondent was ordered to file a response to the petition. On November 2, 2010, respondent filed a motion to dismiss this action as moot, as the Los Angeles County Superior Court granted petitioner’s writ that challenged a 2007 denial of parole. Respondent indicates that petitioner was released on parole in 2009.¹

_____ ¹ The court notes that petitioner has not filed a change of address and no orders sent to the prison have been returned to the court.

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Petitioner shall file a response to this motion to dismiss within 21 days of service of this order.

Accordingly, IT IS HEREBY ORDERED that petitioner shall file a response to the motion to dismiss this case as moot within 21 days of service of this order.

DATED: November 4, 2010

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

ggh: ab
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