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

ALFRED LAWS,

Petitioner,

No. CIV S-08-1810 GEB EFB P

vs.

D.K. SISTO, Warden,

Respondent.

ORDER

_____ /

Petitioner, a state prisoner proceeding pro se, filed an 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 Rule 302. On March 31, 2010, the magistrate judge filed findings and recommendations recommending that the case be dismissed. On May 27, 2010, the undersigned adopted the findings and recommendations, dismissed the case, and declined to issue a certificate of appealability.

On September 24, 2010, due to a clerical oversight, the undersigned issued an order denying petitioner’s July 14, 2010 motion for a certificate of appealability on the grounds that petitioner had failed to file a notice of appeal. However, petitioner had filed a notice of appeal on July 14, 2010. The September 24, 2010 order is hereby modified to acknowledge this filing. However, petitioner’s motion for a certificate of appealability remains denied.

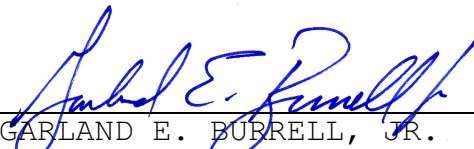
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Accordingly, IT IS HEREBY ORDERED that:

1. The September 24, 2010 order is modified to acknowledge petitioner's July 14, 2010 filing of a notice of appeal;

2. The Clerk of the Court is directed to serve a copy of this order on the U.S. Court of Appeals for the Ninth Circuit.

Dated: September 28, 2010



GARLAND E. BURRELL, JR.
United States District Judge