

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

DEPRIEST WILLIAMS,

Petitioner,

No. CIV S-08-2069 JAM DAD P

vs.

D. K. SISTO,

Respondent

ORDER

_____ /

Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Therein, petitioner challenged the Governor’s reversal of the decision by the California Board of Parole Hearings to grant him parole. On December 16, 2010, this court issued findings and recommendations which recommended that the petition be granted. In light of the Supreme Court’s recent decision in Swarthout v. Cooke, 562 U.S. ___, 2011 WL 197627 (Jan. 24, 2011) (per curiam), those findings and recommendations will be vacated.

/////
/////
/////
/////

1 Accordingly, IT IS HEREBY ORDERED that the December 16, 2010 findings
2 and recommendations are vacated. New findings and recommendations will issue in due course.

3 DATED: January 31, 2011.

4
5 
6 _____
7 DALE A. DROZD
8 UNITED STATES MAGISTRATE JUDGE

7 DAD:8
8 williams2069.vac2

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26