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

LACEDRIC W. JOHNSON,

Petitioner,

No. CIV S-09-0064 GEB DAD P

vs.

JAMES WALKER, Warden,

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. On May 6, 2009, respondent filed a motion to dismiss the petition on the ground that petitioner failed to exhaust his state court remedies. Petitioner has filed an opposition to the motion. Neither party, however, has filed with the court a copy of petitioner’s petition for writ of habeas corpus filed with the California Supreme Court (Case No. S167494) on October 14, 2008. This court cannot resolve the pending motion without a copy of that petition.

Accordingly, IT IS HEREBY ORDERED that within ten days of the date of this order respondent shall file a copy of petitioner’s October 14, 2008 petition for writ of habeas

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1 corpus filed with the California Supreme Court (Case No. S167494). See Rule 4, Fed. R.

2 Governing § 2254 Cases.

3 DATED: October 26, 2009.

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DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

DAD:9
john0064.calpet